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PROCLAMATION

PROKLAMASIE

by the

van die

ADMINISTRATOR-GENERAL FOR THE
TERRITORY OF SOUTH WEST AFRICA

ADMINISTRATEUR-GENERAAL VIR DIE
GEBIED SUIDWES-AFRIKA

*(Approved by the State President on
4 September 1989)*

*(Deur die Staatspresident goedgekeur op
4 September 1989)*

No. AG. 61 1989

No. AG. 61 1989

AMENDMENT OF THE ROAD TRANSPORTATION ACT, 1977 (ACT No. 74 OF 1977)

WYSIGING VAN DIE WET OP PADVERVOER, 1977 (WET No. 74 VAN 1977)

Under the powers vested in me by Proclamation 181 of 19 August 1977, I hereby make the laws set out in the Schedule.

Kragtens die bevoegdheid my verleen by Proklamasie 181 van 19 Augustus 1977, maak ek hierby die wette in die Bylae vervat.

L.A. Pienaar

L.A. Pienaar

Administrator-General

Windhoek, 12 September 1989

Administrateur-generaal

Windhoek, 12 September 1989

SCHEDULE

BYLAE

Amendment of section 1 of Act 74 of 1977, as amended by section 1 of Act 29 of 1980, section 1 of Act 18 of 1981, section 1 of Act 16 of 1982 and section 1 of Proclamation AG. 33 of 1985 and section 59 of Act 21 of 1987

1. Section 1 of the Road Transportation Act, 1977 (hereinafter referred to as the Act), is hereby amended –

- (a) by the deletion in subsection (1) of the definition of “Administrator”;
- (b) by the deletion in subsection (1) in the definition of “authorised officer” of the words “any member of the South African Railways Police Force in respect of any place whether within or beyond the limits of the railways as defined in section 1 of the South African Transport Services Act, 1981 (Act No. 65 of 1981), or of the harbours as defined in the said section”;
- (c) by the substitution in subsection (1) for the definition of “board” of the following definition:

“‘board’ means the Road Transportation Board of South West Africa established by section 4;”;

- (d) by the substitution in subsection (1) for the definition of “commission” of the following definition:

“‘commission’ means the Road Transportation Commission of South West Africa established by section 2A;”;

- (e) by the deletion in subsection (1) of the definition of “competent board”;

- (f) by the substitution in subsection (1) for the definition of “local authority” of the following definition:

“‘local authority’ means a municipality established under the Municipal

Wysiging van artikel 1 van Wet 74 van 1977, soos gewysig deur artikel 1 van Wet 29 van 1980, artikel 1 van Wet 18 van 1981, artikel 1 van Wet 16 van 1982 en artikel 1 van Proklamasie AG. 33 van 1985 en artikel 59 van Wet 21 van 1987

1. Artikel 1 van die Wet op Padvervoer, 1977 (hieronder die Wet genoem), word hierby gewysig –

- (a) deur in subartikel (1) die omskrywing van “Administrateur” te skrap;
- (b) deur in subartikel (1) die omskrywing van “bevoegde raad” te skrap;
- (c) deur in subartikel (1) in die omskrywing van “gemagtigde amptenaar” die woorde “n lid van die Suid-Afrikaanse Spoorweg-polisiemag ten opsigte van enige plek hetsy binne of buite die grense van die spoorweë soos omskryf in artikel 1 van die Suid-Afrikaanse Vervoerdienstewet, 1981 (Wet No. 65 van 1981), of van die hawens soos in genoemde artikel omskryf,” te skrap;
- (d) deur in subartikel (1) die omskrywing van “kommissie” deur die volgende omskrywing te vervang:
 “‘kommissie’ die Padvervoerkommissie van Suidwes-Afrika by artikel 2A ingestel;”;
- (e) deur in subartikel (1) die omskrywing van “Minister” te skrap;
- (f) deur in subartikel (1) in die omskrywing van “padvervoer” na paragraaf (d) die volgende paragraaf by te voeg:

“(e) in die geval van persone of goedere wat vanaf enige aangrensende land, met inbegrip van die Republiek van Suid-Afrika of Walvisbaai, buite die Gebied na of deur die Gebied vervoer word, vervoer soos bedoel in para-

Ordinance, 1963 (Ordinance No. 13 of 1963), village management board established under the Village Management Boards Ordinance, 1963 (Ordinance No. 14 of 1963), and the Peri-Urban Development Board established by section 2 of the Peri-Urban Development Board Ordinance, 1970 (Ordinance No. 19 of 1970);”;

- (g) by the deletion in subsection (1) of the definition of “Minister”;
- (h) by the deletion in subsection (1) of the definition of “province”;
- (i) by the substitution in subsection (1) for the definition of “railway service” of the following definition:

“‘railway service’ means a transportation service operated over any line of railway by or on behalf of TransNamib Limited or any private person or any juristic person;”;

- (j) by the deletion in subsection (1) of the definition of “Republic”;
- (k) by the addition in subsection (1) in the definition of “road transportation” after paragraph (d) of the following paragraph:

“(e) in the case of persons or goods which are conveyed from any neighbouring country, including the Republic of South Africa or Walvis Bay, outside the Territory to or through the Territory, the conveyance as referred to in paragraph (a), (b), (c) or (d) from any point on a public road on the border between the Territory and any such neighbouring country, including the Republic of South Africa or Walvis Bay, to any place in the Territory or through the Territory to any or the same point on any such border;”;

- (l) by the deletion in subsection (1) of the definition of “transportation area”;

graaf (a), (b), (c) of (d) vanaf enige punt op ’n openbare pad op die grens tussen die Gebied en so ’n aangrensende land, met inbegrip van die Republiek van Suid-Afrika of Walvisbaai, na enige plek in die Gebied of deur die Gebied na enige of dieselfde punt op so ’n grens;”;

- (g) deur in subartikel (1) die omskrywing van “plaaslike bestuur” deur die volgende omskrywing te vervang:

“‘plaaslike bestuur’ ’n munisipaliteit ingestel kragtens die Munisipale Ordonnansie, 1963 (Ordonnansie No. 13 van 1963), ’n dorpsbestuur ingestel kragtens die Ordonnansie op Dorpsbesture, 1963 (Ordonnansie No. 14 van 1963), en die Raad op Buitestedelike Ontwikkeling ingestel by artikel 2 van die Ordonnansie op die Raad vir Buitestedelike Ontwikkeling, 1970 (Ordonnansie No. 19 van 1970);”;

- (h) deur in subartikel (1) die omskrywing van “provinsie” te skrap;
- (i) deur in subartikel (1) die omskrywing van “raad” deur die volgende omskrywing te vervang:

“‘raad’ die Padvervoerraad van Suidwes-Afrika by artikel 4 ingestel;”;

- (j) deur in subartikel (1) die omskrywing van “Republiek” te skrap;
- (k) deur in subartikel (1) die omskrywing van “spoorwegdiens” deur die volgende omskrywing te vervang:

“‘spoorwegdiens’ ’n vervoerdiens wat deur of ten behoeve van TransNamib Beperk of ’n privaatpersoon of ’n regs persoon op ’n spoorlyn bedryf word;”;

- (l) deur in subartikel (1) die omskrywing van “vervoergebied” te skrap;

(m) by the deletion of paragraph (l) of subsection (2);

(n) by the substitution in paragraph (p) of subsection (2) for the words "the Railways Administration" of the words "TransNamib Limited";

(o) by the substitution in paragraph (q) of subsection (2) for the words "the Railways Administration" of the words "TransNamib Limited";

(p) by the substitution for paragraph (r) of subsection (2) of the following paragraph:

"(r) the conveyance by TransNamib Limited, by means of a motor vehicle of which it is the owner, of its employees or goods in the course of its business and otherwise than for reward, and of goods within its area of jurisdiction as defined in section 1 of the National Transport Co-operation Act, 1987 (Act No. 21 of 1987);";

(q) by the substitution for paragraph (z) of subsection (2) of the following paragraph:

"(z) the conveyance in the manner and on the conditions prescribed by regulation of exempted goods, by means of a motor vehicle –

(i) which is registered in the Territory under the law governing the registration of motor vehicles in the Territory;

(ii) whose owner is domiciled within the Territory; and

(iii) which is identified in the manner prescribed by regulation,

by any person who is domiciled in the Territory, or any company registered in the Territory, actively carrying on business from a place situated in the Territory;"; and

(m) deur paragraaf (l) van subartikel (2) te skrap;

(n) deur in paragraaf (p) van subartikel (2) die woorde "die Spoorwegadministrasie" deur die woorde "TransNamib Beperk" te vervang;

(o) deur in paragraaf (q) van subartikel (2) die woorde "die Spoorwegadministrasie" deur die woorde "TransNamib Beperk" te vervang;

(p) deur paragraaf (r) van subartikel (2) deur die volgende paragraaf te vervang:

"(r) die vervoer deur TransNamib Beperk, deur middel van 'n motorvoertuig waarvan hy die eienaar is van sy werknemers of goedere in die loop van sy besigheid en anders as teen voergoeding, en van goedere binne sy regsgebied soos in artikel 1 van die Wet op die Nasionale Vervoerkorporasie, 1987 (Wet No. 21 van 1987), omskryf;";

(q) deur paragraaf (z) van subartikel (2) deur die volgende paragraaf te vervang:

"(z) die vervoer op die by regulasie voorgeskrewe wyse en voorwaardes van vrygestelde goedere, deur middel van 'n motorvoertuig –

(i) wat in die Gebied geregistreer is kragtens die wet op die registrasie van motorvoertuie wat in die Gebied geld;

(ii) waarvan die eienaar in die Gebied gedomicilieer is; en

(iii) wat op die by regulasie voorgeskrewe wyse geïdentifiseer is,

deur iemand wat in die Gebied gedomicilieer is, of 'n maatskappy wat in die Gebied geregistreer is, en wat daadwerklik besigheid dryf vanaf 'n plek in die Gebied geleë;"; en

- (r) by the deletion in subsection (2) of paragraph (aa).

Amendment of section 2 of Act 74 of 1977, as amended by section 2 of Proclamation AG. 33 of 1985 and section 1 of Act 20 of 1988

2. (1) Section 2 of the Act is hereby amended –

- (a) by the substitution for the word “Cabinet” and the word “Gazette”, wherever it occurs, of the word “Administrator-General” and the words “Official Gazette”, respectively;
- (b) by the deletion of paragraph (a);
- (c) by the deletion in paragraph (e)*bis* of the words “commission and any competent”; and
- (d) by the addition of the following subsection, the existing section becoming subsection (1):

“(2) A notice issued under paragraph (e)*bis* of subsection (1), shall, notwithstanding anything to the contrary contained in any law or the common law, apply also in relation to any application received before the date of the notice in question, but has not yet been granted.”

(2) Paragraph (d) of subsection (1) shall be deemed to have come into operation on 30 December 1988.

Insertion of section 2A in Act 74 of 1977

3. The following section is hereby inserted in the Act after section 2:

“Establishment and constitution of Road Transportation Commission of South West Africa.

2A.(1) There is hereby established a commission to be called the Road Transportation Commission of South West Africa.

- (r) deur paragraaf (aa) van subartikel (2) te skrap.

Wysiging van artikel 2 van Wet 74 van 1977, soos gewysig deur artikel 2 van Proklamasie AG. 33 van 1985 en artikel 1 van Wet 20 van 1988

2. (1) Artikel 2 van die Wet word hierby gewysig –

- (a) deur die woord “Kabinet” en die woord “Staatskoerant”, oral waar dit voorkom, deur, onderskeidelik, die woord “Administrateur-generaal” en die woorde “Offisiële Koerant” te vervang;
- (b) deur paragraaf (a) te skrap;
- (c) deur in paragraaf (e)*bis* die woorde “kommissie en ’n bevoegde” te skrap; en
- (d) deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:

“(2) ’n Kennisgewing kragtens paragraaf (e)*bis* van subartikel (1) uitgereik, is, ondanks andersluidende bepalings van die een of ander wet of die gemene reg, ook van toepassing met betrekking tot enige aansoek wat voor die datum van die betrokke kennisgewing ontvang is, maar nog nie toegestaan is nie”.

(2) Paragraaf (d) van subartikel (1) word geag op 30 Desember 1988 in werking te getree het.

Invoeging van artikel 2A in Wet 74 van 1977

3. Die volgende artikel word hierby in die Wet na artikel 2 ingevoeg:

“Instelling en samestelling van Padvervoerkommissie van Suidwes-Afrika.

2A. (1) Daar word hierby ’n kommissie met die naam die Padvervoerkommissie van Suidwes-Afrika ingestel.

(2) The commission shall consist of a chairman appointed by the Administrator-General who shall be an advocate or attorney who has practised in the law for a period of at least five years and at least two, but not more than four other persons so appointed who shall be persons who possess wide experience of, and have shown ability in connection with, transport, industrial, commercial or financial matters or in the conduct of public affairs and who is not a member of the board or is not a person referred to in paragraphs (a), (b), (c) and (d) of subsection (1) of section 5.

(3) A member of the commission shall vacate his office if –

- (a) he becomes subject to a disqualification referred to in paragraph (a), (b), (c) or (d) of subsection (1) of section 5;
- (b) he resigns by notice in writing addressed to the Administrator-General; or
- (c) he, in the opinion of the Administrator-General, is unable to perform efficiently his duties and he is removed by the Administrator-General from office.

(4) A member of the commission who is not full-time in the government service shall hold his office for a period of five years, but shall be eligible for re-appointment at the expiration of his period of office.

(5) A member of the commission who is not full-time in the government service shall receive such remuneration and allowances as may be determined by the Administrator-General.

(2) Die kommissie bestaan uit 'n voorsitter deur die Administrateur-generaal aangestel wat 'n advokaat of prokureur moet wees wat vir 'n tydperk van minstens vyf jaar in die reg gepraaktiseer het en minstens twee, maar hoogstens vier, ander persone aldus aangestel wat persone moet wees wat 'n wye ondervinding het van, en bekwaamheid aan die dag gelê het in verband met, die vervoerwese of nywerheids-, handels- of finansiële aangeleenthede of in verband met die bestuur van openbare sake en wat nie 'n lid van die raad is nie of nie 'n persoon is soos in paragrawe (a), (b), (c) en (d) van subartikel (1) van artikel 5 bedoel nie.

(3) 'n Lid van die kommissie ont-ruim sy amp indien –

- (a) hy aan 'n onbevoegdheid bedoel in paragraaf (a), (b), (c) of (d) van subartikel (1) van artikel 5 onderworpe word;
- (b) hy deur skriftelike kennisgewing aan die Administrateur-generaal bedank; of
- (c) hy na die oordeel van die Administrateur-generaal nie in staat is om sy pligte as lid doeltreffend uit te voer nie en hy deur die Administrateur-generaal uit sy amp onthef word.

(4) 'n Lid van die kommissie wat nie heeltyds in die regeringsdiens is nie, bekleë sy amp vir 'n tydperk van vyf jaar, maar kan by die verstryking van sy ampstermyn weer aangestel word.

(5) 'n Lid van die kommissie wat nie heeltyds in die regeringsdiens is nie, ontvang die besoldiging en toeslaes wat die Administrateur-generaal bepaal.

(6) Whenever a member of a commission has recused himself in any particular matter, the Administrator-General may appoint any person whom he considers suitable, to act with regard to the particular matter in place of that member, and any such appointment shall, in the case of a person who is not full-time in the government service, be subject to such conditions as to remuneration and otherwise, as the Administrator-General may determine.

(7) The commission shall hold meetings at such times and places as may be determined by the chairman from time to time.

(8) (a) The majority of the members of the commission who shall include the chairman shall form a quorum for a meeting of the commission.

(b) A decision of the majority of the members of the commission present at any meeting thereof shall constitute a decision of the commission: Provided that in the event of an equality of votes the chairman shall, in addition to his deliberative vote, have a casting vote.

(9) The administrative functions connected with the functions of the commission shall be performed by officers in the government service made available for such purpose by the Secretary of Transport. ”.

(6) Wanneer ’n lid van die kommissie hom aan ’n bepaalde aangeleentheid onttrek het, kan die Administrateur-generaal ’n persoon wat hy geskik ag, aanstel om met betrekking tot daardie bepaalde aangeleentheid in die plek van daardie lid op te tree, en so ’n aanstelling is, in die geval van ’n persoon wat nie heeltyds in die regeringsdiens is nie, onderworpe aan die voorwaardes betreffende besoldiging en andersins wat die Administrateur-generaal bepaal.

(7) Die kommissie hou vergaderings op die tye en plekke wat van tyd tot tyd deur die voorsitter bepaal word.

(8) (a) Die meerderheid van die lede van die kommissie wat die voorsitter moet insluit, maak ’n kworum vir ’n vergadering van die kommissie uit.

(b) ’n Besluit van die meerderheid van die lede van die kommissie wat op ’n vergadering daarvan aanwesig is, is ’n besluit van die kommissie: Met dien verstande dat in die geval van ’n staking van stemme die voorsitter, benewens sy beraadslagende stem, ook ’n beslissende stem het.

(9) Die administratiewe werksaamhede verbonde aan die werksaamhede van die kommissie word verrig deur beamptes in die regeringsdiens wat vir dié doel deur die Sekretaris van Vervoer beskikbaar gestel is.”.

Amendment of section 3 of Act 74 of 1977, as amended by section 2 of Act 16 of 1982

4. Section 3 of the Act is hereby amended –

(a) by the substitution for the word “Minister” and the word “Republic”, wherever they

Wysiging van artikel 3 van Wet 74 van 1977, soos gewysig deur artikel 2 van Wet 16 van 1982

4. Artikel 3 van die Wet word hierby gewysig –

(a) deur die woord “Minister” en die woord “Republiek”, oral waar dit voorkom, deur,

occur, of the word "Administrator-General" and the word "Territory", respectively;

(b) by the deletion of paragraphs (c), (d), (e) and (g) of subsection (1); and

(c) by the deletion of subsection (2).

Substitution of section 4 of Act 74 of 1977, as amended by section 3 of Act 16 of 1982 and section 3 of Proclamation AG. 33 of 1985

5.(1) The following section is hereby substituted for section 4 of the Act:

"Establishment and constitution of Road Transportation Board of South West Africa.

4.(1) There is hereby established a road transportation board to be called the Road Transportation Board of South West Africa.

(2) The board shall consist of a chairman and two other members appointed by the Administrator-General who shall be persons who possess wide experience of, and have shown ability in, transport, industrial, commercial or financial matters or in the conduct of public affairs and who are not members of the commission.

(3) (a) A member of the board who is full-time in the government service shall hold office during the Administrator-General's pleasure, and any other member of the board shall be appointed for a period of two years, and shall, subject to the provisions of this Act, hold office on such conditions as to remuneration and otherwise, as the Administrator-General may determine when such member is appointed.

(b) Different periods or conditions may be determined under paragraph (a) in respect of different members of the board.

onderskeidelik, die woord "Administrateur-generaal" en die woord "Gebied" te vervang;

(b) deur paragrawe (c), (d), (e) en (g) van subartikel (1) te skrap; en

(c) deur subartikel (2) te skrap.

Vervanging van artikel 4 van Wet 74 van 1977, soos gewysig deur artikel 3 van Wet 16 van 1982 en artikel 3 van Proklamasie AG. 33 van 1985

5. (1) Artikel 4 van die Wet word hierby deur die volgende artikel vervang:

"Instelling en samestelling van Padvervoerraad van Suidwes-Afrika.

4. (1) Daar word hierby 'n padvervoerraad met die naam die Padvervoerraad van Suidwes-Afrika ingestel.

(2) Die raad bestaan uit 'n voorsitter en twee ander lede deur die Administrateur-generaal aangestel wat persone moet wees wat wye ondervinding het van, en bekwaamheid aan die dag gelê het in verband met, die vervoerwese of nywerheids-, handels- of finansiële aangeleenthede of in verband met die bestuur van openbare sake en wat nie lede van die kommissie is nie.

(3) (a) 'n Lid van die raad wat heeltyds in die regeringsdiens is, beklee sy amp solank dit die Administrateur-generaal behaag, en enige ander lid van die raad word aangestel vir 'n tydperk van twee jaar, en beklee, behoudens die bepalinge van hierdie Wet, sy amp op die voorwaardes betreffende besoldiging en andersins, wat die Administrateur-generaal bepaal wanneer daardie lid aangestel word.

(b) Verskillende tydperke of voorwaardes kan kragtens paragraaf (a) ten opsigte van verskillende lede van die raad bepaal word.

(4) When a member of the board vacates his office or is removed therefrom or is temporarily unable to perform his functions as such, the Administrator-General may appoint, subject to the provisions of section 5, any person whom he considers suitable, to act in place of such member for a period, not exceeding 12 months, and any such appointment shall, in the case of a person who is not full-time in the government service, be subject to such conditions as to remuneration and otherwise, as the Administrator-General may determine.

(5) When a member of the board has recused himself in any particular matter, the Administrator-General may appoint, subject to the provisions of section 5, any person whom he considers suitable, to act with regard to that particular matter in place of such member, and any such appointment shall, in the case of a person who is not full-time in the government service, be subject to such conditions as to remuneration and otherwise, as the Administrator-General may determine.

(6) A person whose period of office as member of the board has expired shall be re-eligible for appointment. ”.

(2) A person who was a member of the Local Road Transportation Board, Windhoek, on the date immediately before the commencement of this Proclamation shall be deemed to have been appointed under section 4 of the Act, as amended by subsection (1) of this section, as a member of the Road Transportation Board of South West Africa as if the provisions of subsection (1) were in operation on the date on which he has been appointed as member of the said Transportation Board.

Amendment of section 5 of Act 74 of 1977

6. Section 5 of the Act is hereby amended –

(4) Wanneer ’n lid van die raad sy amp ontruim of daaruit verwyder word of tydelik nie in staat is om sy werksaamhede as sodanig uit te voer nie, kan die Administrateur-generaal, behoudens die bepalings van artikel 5, ’n persoon wat hy geskik ag, aanstel om in die plek van daardie lid op te tree vir ’n tydperk van hoogstens 12 maande, en so ’n aanstelling is, in die geval van ’n persoon wat nie heeltyds in die regeringsdiens is nie, onderworpe aan die voorwaardes betreffende besoldiging en andersins wat die Administrateur -generaal bepaal.

(5) Wanneer ’n lid van die raad hom aan ’n bepaalde geleentheid onttrek het, kan die Administrateur-generaal, behoudens die bepalings van artikel 5, ’n persoon wat hy geskik ag, aanstel om met betrekking tot daardie bepaalde aangeleentheid in die plek van daardie lid op te tree, en so ’n aanstelling is, in die geval van ’n persoon wat nie heeltyds in die regeringsdiens is nie, onderworpe aan die voorwaardes betreffende besoldiging en andersins wat die Administrateur-generaal bepaal.

(6) ’n Persoon wie se ampstermyn as lid van die raad verstryk het, kan weer aangestel word. ”.

(2) ’n Persoon wat op die datum onmiddellik voor die inwerkingtreding van hierdie Proklamasie ’n lid van die Plaaslike Padvervoerraad, Windhoek was, word geag kragtens artikel 4 van die Wet, soos gewysig deur subartikel (1) van hierdie artikel, as ’n lid van die Padvervoerraad van Suidwes-Afrika aangestel te gewees het asof die bepalings van subartikel (1) in werking was op die datum waarop hy as lid van genoemde Padvervoerraad aangestel is.

Wysiging van artikel 5 van Wet 74 van 1977

6. Artikel 5 van die Wet word hierby gewysig –

- (a) by the substitution in paragraph (c) of subsection (1) for the words "the Railways Administration" of the words "Trans-Namib Limited";
- (b) by the substitution for the word "Minister", wherever it occurs, of the word "Administrator-General";
- (c) by the deletion of the words "or co-opted", the words "(including a co-opted member)", the words "or co-optation" and the words "or co-opted member", wherever they occur; and
- (d) by the substitution for the words "a board", wherever they occur, of the words "the board".

Amendment of section 6 of Act 74 of 1977, as amended by section 4 of Proclamation AG. 33 of 1985

7. Section 6 of the Act is hereby amended –

- (a) by the substitution for the words "a board" and the words "such board", wherever they occur, of the words "the board";
- (b) by the deletion in the proviso to subsection (2) of paragraph (a) and in paragraph (b) of the words "whether co-opted members participate in the proceedings or not;"; and
- (c) by the deletion in subsection (3) of the words "or co-opted member".

Substitution of section 7 of Act 74 of 1977

8. The following section is hereby substituted for section 7 of the Act:

"General powers of the board.

7. The board may –

- (a) investigate any matter falling within the scope of this Act, and submit recommendations thereon to the commission;

- (a) deur in paragraaf (c) van subartikel (1) die woorde "die Spoorwegadministrasie" deur die woorde "TransNamib Beperk" te vervang;
- (b) deur die woord "Minister", oral waar dit voorkom, deur die woord "Administrateur-generaal" te vervang;
- (c) deur die woorde "of gekoöpteer", die woorde "(met inbegrip van 'n gekoöpteerde lid)", die woorde "of koöptering" en die woorde "of gekoöpteerde lid", oral waar dit voorkom, te skrap; en
- (d) deur die woorde "'n raad", oral waar dit voorkom, deur die woorde "die raad" te vervang.

Wysiging van artikel 6 van Wet 74 van 1977, soos gewysig deur artikel 4 van Proklamasie AG. 33 van 1985

7. Artikel 6 van die Wet word hierby gewysig –

- (a) deur die woorde "'n raad" en die woorde "daardie raad", oral waar dit voorkom, deur die woorde "die raad" te vervang;
- (b) deur in die voorbehoudsbepaling by subartikel (2) paragraaf (a) en in paragraaf (b) die woorde "hetsy gekoöpteerde lede deelneem aan die verrigtinge al dan nie," te skrap; en
- (c) deur in subartikel (3) die woorde "of gekoöpteerde lid" te skrap.

Vervanging van artikel 7 van Wet 74 van 1977

8. Artikel 7 van die Wet word hierby deur die volgende artikel vervang:

"Algemene bevoegdhede van die raad.

7. Die raad kan –

- (a) enige aangeleentheid wat binne die bestek van hierdie Wet val, ondersoek en aanbevelings daarvoor aan die kommissie doen;

- (b) consider and give a decision on, or otherwise deal with, in accordance with the provisions of this Act, any application made to it thereunder –
 - (i) for the grant of a permit authorizing road transportation within the Territory;
 - (ii) for the renewal, amendment or transfer of any permit granted by it;
 - (c) issue, in accordance with the provisions of this Act, any permit granted, renewed, amended or transferred by it;
 - (d) when the holder of a public permit applies for the raising of tariffs for the conveyance of persons by means of a bus, cause an inquiry to be instituted regarding the financial circumstances and operating practices of such holder by means of a person designated by it for that purpose and, if the holder is a company, also into any other company in a group of companies to which the holder belongs or of which the holder is the controlling company. ”.
- (b) ooreenkomstig die bepalings van hierdie Wet oorweging skenk aan en ’n beslissing gee oor, of andersins handel met, ’n aansoek wat daarkragtens by hom gedoen word –
 - (i) om die toestaan van ’n permit wat padvervoer binne die Gebied magtig;
 - (ii) om die hernuwing, wysiging of oordrag van ’n permit wat deur hom toegestaan is;
 - (c) ’n permit wat deur hom toegestaan, hernu, gewysig of oorgedra is, ooreenkomstig die bepalings van hierdie Wet, uitreik;
 - (d) wanneer die houer van ’n openbare permit aansoek doen om die verhoging van tariewe vir die vervoer van persone deur middel van ’n bus, ondersoek laat instel deur middel van ’n persoon deur hom vir dié doel aangewys na die finansiële omstandighede en bedryfspraktyke van sodanige houer en, indien die houer ’n maatskappy is, ook na enige ander maatskappy in ’n groep maatskappye waaraan die houer verbonde is of waarvan die houer die beherende maatskappy is.”.

Amendment of section 8 of Act 74 of 1977, as amended by section 4 of Act 16 of 1982 and section 5 of Proclamation AG. 33 of 1985

9. Section 8 of the Act is hereby amended by the substitution for the words “a board” and the words “the board concerned”, wherever they occur, of the words “the board”, and the deletion of the words “against whose act, direction or decision the appeal was brought”.

Wysiging van artikel 8 van Wet 74 van 1977, soos gewysig deur artikel 4 van Wet 16 van 1982 en artikel 5 van Proklamasie AG. 33 van 1985

9. Artikel 8 van die Wet word hierby gewysig deur die woorde “n raad” en die woorde “die betrokke raad”, oral waar dit voorkom, deur die woorde “die raad” te vervang, en die woorde “teen wie se handeling opdrag of beslissing daar geappelleer is” te skrap.

Substitution of section 8bis of Act 74 of 1977, as inserted by section 5 of Act 16 of 1982

10. The following section is hereby substituted for section 8bis of the Act:

"Coming into operation of certain tariff increases not to be suspended pending judgement in court proceedings in connection with such increases.

8bis. When the board has, in the case of a public permit authorizing the conveyance of persons for reward, impose a requirement or condition that such conveyance shall be undertaken at tariffs approved or laid down by the board, and the board thereafter on application in terms of section 12(2), or the commission thereafter in the exercise of any power conferred upon it by section 8(2)(b)(i) or (2)(c), amends that requirement or condition by increasing any of the tariffs so approved or laid down, the coming into operation of the tariffs so increased shall not be suspended pending final judgement in any proceedings in a court of law in connection with such amendment. "

Amendment of section 9 of Act 74 of 1977

11. Section 9 of the Act is hereby amended by the substitution for the words "a board", wherever they occur, of the words "the board".

Amendment of section 10 of Act 74 of 1977

12. Section 10 of the Act is hereby amended by the substitution for the words "a board" of the words "the board".

Amendment of section 12 of Act 74 of 1977, as amended by section 6 of Act 16 of 1982

13. Section 12 of the Act is hereby amended –

- (a) by the deletion in subsection (1) of the words "commission or a competent"; and
- (b) by the deletion in subsections (2) and (3) of the words "commission or the competent" and the words "as the case may be", wherever they occur.

Vervanging van artikel 8bis van Wet 74 van 1977, soos ingevoeg deur artikel 5 van Wet 16 van 1982

10. Artikel 8bis van die Wet word hierby deur die volgende artikel vervang:

"Inwerkingtreding van sekere tariefverhogings word nie opgeskort in afwagting van uitspraak in hofverrigtinge in verband met sodanige verhogings nie.

8bis. Wanneer die raad, in die geval van 'n openbare permit wat die vervoer van persone teen vergoeding magtig, 'n vereiste of voorwaarde opgelê het dat daardie vervoer onderneem moet word teen tariewe wat die raad goedgekeur of vasgestel het, en die raad daarna op aansoek ingevolge artikel 12(2), of die kommissie daarna in die uitoefening van 'n bevoegdheid aan hom by artikel 8(2)(b)(i) of (2)(c) verleen, daardie vereiste of voorwaarde wysig deur enige van die aldus goedgekeurde of vasgestelde tariewe te verhoog, word die inwerkingtreding van die aldus verhoogde tariewe nie opgeskort in afwagting van 'n finale uitspraak in enige verrigtinge in 'n geregshof in verband met daardie wysiging nie."

Wysiging van artikel 9 van Wet 74 van 1977

11. Artikel 9 van die Wet word hierby gewysig deur die woorde "n raad", oral waar dit voorkom, deur die woorde "die raad" te vervang.

Wysiging van artikel 10 van Wet 74 van 1977

12. Artikel 10 van die Wet word hierby gewysig deur die woorde "n raad" deur die woorde "die raad" te vervang.

Wysiging van artikel 12 van Wet 74 van 1977, soos gewysig deur artikel 6 van Wet 16 van 1982

13. Artikel 12 van die Wet word hierby gewysig –

- (a) deur in subartikel (1) die woorde "kommissie of 'n bevoegde" te skrap; en
- (b) deur in subartikels (2) en (3) die woorde "kommissie of die bevoegde" en die woorde "na gelang van die geval", oral waar dit voorkom, te skrap.

Substitution of section 12bis of Act 74 of 1977, as inserted by section 7 of Act 16 of 1982

14. The following section is hereby substituted for section 12bis of the Act:

"Increase of certain tariffs prior to application for amendment of relevant public permit."

12bis. When the board has under any provision of this Act directed the holder of a public permit authorizing the conveyance of persons for reward, to comply with a requirement of condition, imposed by the board that such conveyance shall be undertaken at tariffs approved or laid down by the board, that holder may, if the price of petroleum fuel is increased and he applies for an appropriate amendment of the permit concerned to the board within 10 days after the coming into effect of such price at any time after such application increase such tariffs by so much, but by not more than 10% of such tariffs, as will enable him to recover his increased expenditure on petroleum fuel resulting directly from that increase in the price of petroleum fuel. "

Amendment of section 13 of Act 74 of 1977, as amended by section 8 of Act 16 of 1982 and section 6 of Proclamation AG. 33 of 1985

15. Section 13 of the Act is hereby amended –

- (a) by the substitution in subsection (1) in the words preceding paragraph (a) for the words "the commission or a board" of the words "the board", and the deletion of the words "or referred to it thereunder";
- (b) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

"(a) The board may refuse to consider any application for the grant, amendment or transfer of a public permit made by any person if a previous application

Vervanging van artikel 12bis van Wet 74 van 1977, soos ingevoeg deur artikel 7 van Wet 16 van 1982

14. Artikel 12bis van die Wet word hierby deur die volgende artikel vervang:

"Verhoging van sekere tariewe voor aansoek om wysiging van betrokke openbare permit."

12bis. Wanneer die raad die houer van 'n openbare permit wat die vervoer van persone teen vergoeding magtig, kragtens 'n bepaling van hierdie Wet gelas het om te voldoen aan 'n vereiste of voorwaarde opgelê deur die raad dat sodanige vervoer onderneem moet word teen tariewe wat die raad goedgekeur of vasgestel het, kan daardie houer, indien die prys van petroleumbrandstof verhoog word en hy binne 10 dae na die inwerkingtreding van die verhoging van bedoelde prys by die raad om 'n gepaste wysiging van die betrokke permit aansoek doen, te eniger tyd na bedoelde aansoek sodanige tariewe verhoog met soveel, maar met nie meer as 10% van sodanige tariewe as wat hom in staat stel om sy verhoogde uitgawe aan petroleumbrandstof wat regstreeks deur daardie styging van die prys van petroleum brandstof veroorsaak word, te verhaal."

Wysiging van artikel 13 van Wet 74 van 1977, soos gewysig deur artikel 8 van Wet 16 van 1982 en artikel 6 van Proklamasie AG. 33 van 1985

15. Artikel 13 van die Wet word hierby gewysig –

- (a) deur in subartikel (1) in die woorde wat paragraaf (a) voorafgaan die woorde "die kommissie of 'n raad" deur die woorde "die raad" te vervang, en die woorde "of na hom verwys" te skrap;
- (b) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

"(a) Die raad kan weier om 'n aansoek deur iemand gedoen om die toestaan, wysiging of oordrag van 'n openbare permit te oorweeg indien 'n vorige

by that person, which in the opinion of the board at the same or substantially the same object as the first-mentioned application, was considered and refused by the board within a period of six months preceding the date on which such first-mentioned application is received in the office of the board. ”;

- (c) by the deletion of paragraph (b) of subsection (2);
- (d) by the substitution in paragraph (b)*bis* of subsection (2) for the words “The commission or a board” of the words “The board”;
- (e) by the substitution in paragraph (b)*ter* of subsection (2) for the words “The commission or a board” of the words “The board”, and the deletion of the words “commission or the” and the words “concerned, as the case may be, ”;
- (f) by the deletion in paragraph (b)*quat* and (b)*quin* of subsection (2) of the words “commission or a”, wherever they occur; and
- (g) by the substitution in paragraph (c) of subsection (2) for the words “a board” of the words “the board”.

Amendment of section 14 of Act 74 of 1977, as amended by section 9 of Act 16 of 1982 and section 7 of Proclamation AG. 33 of 1985

16. Section 14 of the Act is hereby amended –

- (a) by the deletion in subsection (1) in the words preceding paragraph (a) of the words “commission or a”;
- (b) by the deletion in subsection (2) in the words preceding paragraph (a) of the words “commission or the”, the words “concerned, as the case may be,” the words “commission or that”, the words

aansoek deur daardie persoon, wat volgens die oordeel van die raad dieselfde of in hoofsaak dieselfde oogmerk as eersbedoelde aansoek gehad het, binne die tydperk van ses maande wat die datum voorafgaan waarop eersgenoemde aansoek in die kantoor van die raad ontvang word, deur die raad oorweeg en geweier is. ”;

- (c) deur paragraaf (b) van subartikel (2) te skrap;
- (d) deur in paragraaf (b)*bis* van subartikel (2) die woorde “Die kommissie of ’n raad” deur die woorde “Die raad” te vervang;
- (e) deur in paragraaf (b)*ter* van subartikel (2) die woorde “Die kommissie of ’n raad” deur die woorde “Die raad” te vervang, en die woorde “kommissie of die betrokke” en die woorde “, na gelang van die geval, ” te skrap;
- (f) deur in paragrawe (b)*quat* en (b)*quin* van subartikel (2) die woorde “kommissie of ’n”, oral waar dit voorkom, te skrap; en
- (g) deur in paragraaf (c) van subartikel (2) die woorde “’n raad” deur die woorde “die raad” te vervang.

Wysiging van artikel 14 van Wet 74 van 1977, soos gewysig deur artikel 9 van Wet 16 van 1982 en artikel 7 van Proklamasie AG. 33 van 1985

16. Artikel 14 van die Wet word hierby gewysig –

- (a) deur in subartikel (1) in die woorde wat paragraaf (a) voorafgaan die woorde “kommissie of ’n” te skrap;
- (b) deur in subartikel (2) in die woorde wat paragraaf (a) voorafgaan die woorde “kommissie of die betrokke”, die woorde “,na gelang van die geval”, die woorde “kommissie of daardie”, die woorde “, die woorde”, na gelang van

“, as the case may be, ” and the words “commission or the”;

- (c) by the deletion in paragraph (a) of subsection (2) of the words “commission or that” and the words “, as the case may be,”;
- (d) by the deletion in subsection (2)*bis* of the words “commission or a”, the words “commission or that” and the words “, as the case may be,”;
- (e) by the deletion in subsection (3) of the words “commission or a”; and
- (f) by the deletion in subsection (4) of the words “commission or a”, and by the substitution for the words “the Railways Administration”, wherever they occur, of the words “TransNamib Limited”.

Amendment of section 15 of Act 74 of 1977, as amended by section 2 of Act 29 of 1980 and section 7 of Act 16 of 1982

17. Section 15 of the Act is hereby amended –

- (a) by the deletion in subsection (1) in the words preceding paragraph (a) of the words “commission or a”;
- (b) by the deletion in paragraph (m) of subsection (1) of the words “commission or the” and the word “concerned”; and
- (c) by the deletion in subsection (4) of the words “commission or a”, and the substitution for the expression “3(1)(g)” of the expression “7(d)”.

Amendment of section 16 of Act 74 of 1977

18. Section 16 of the Act is hereby amended –

- (a) by the deletion in subsection (1) of the words “commission or a”; and
- (b) by the deletion in subsection (2) of the words “commission or a competent”.

die geval, ” en die woorde “kommissie of daardie” te skrap;

- (c) deur in paragraaf (a) van subartikel (2) die woorde “kommissie of daardie” en die woorde “,na gelang van die geval,” te skrap;
- (d) deur in subartikel (2)*bis* die woorde “kommissie of ’n”, die woorde “kommissie of daardie” en die woorde “, na gelang van die geval,” te skrap;
- (e) deur in subartikel (3) die woorde “kommissie of ’n” te skrap; en
- (f) deur in subartikel (4) die woorde “kommissie of ’n” te skrap, en die woorde “die Spoorwegadministrasie”, oral waar dit voorkom, deur die woorde “TransNamib Beperk” te vervang.

Wysiging van artikel 15 van Wet 74 van 1977, soos gewysig deur artikel 2 van Wet 29 van 1980 en artikel 7 van Wet 16 van 1982

17. Artikel 15 van die Wet word hierby gewysig –

- (a) deur in subartikel (1) in die woorde wat paragraaf (a) voorafgaan die woorde “kommissie of ’n” te skrap;
- (b) deur in paragraaf (m) van subartikel (1) die woorde “kommissie of die betrokke” te skrap; en
- (c) deur in subartikel (4) die woorde “kommissie of ’n” te skrap, en die uitdrukking “3(1)(g)” deur die uitdrukking “7(d)” te vervang.

Wysiging van artikel 16 van Wet 74 van 1977

18. Artikel 16 van die Wet word hierby gewysig –

- (a) deur in subartikel (1) die woorde “kommissie of ’n” te skrap; en
- (b) deur in subartikel (2) die woorde “kommissie of ’n bevoegde” te skrap.

Amendment of section 17 of Act 74 of 1977, as amended by section 11 of Act 16 of 1982

19. Section 17 of the Act is hereby amended by the deletion of the words "commission or competent" and the words "commission or the competent", wherever they occur.

Amendment of section 18 of Act 74 of 1977, as amended by section 12 of Act 16 of 1982 and section 8 of Proclamation AG. 33 of 1985

20. Section 18 of the Act is hereby amended –

- (a) by the deletion in subsection (1) of the words "commission or a";
- (b) by the deletion in subsection (2) of the words "commission or", the words "concerned, as the case may be," the words "commission or that", the words "as the case may be," the words "commission or the" and the words "commission or the said", wherever they occur;
- (c) by the deletion in subsection (3) of the words "commission or a";
- (d) by the deletion in subsection (4) of the words "commission or a";
- (e) by the deletion in subsection (5) of the words "commission or a", the words "commission or the" and the words "concerned, as the case may be,"; and
- (f) by the deletion in subsection (6) of the words "commission or a".

Amendment of section 19 of Act 74 of 1977

21. Section 19 of the Act is hereby amended –

- (a) by the deletion in subsection (1) of the words "commission or a"; and
- (b) by the deletion in subsection (2) of the words "commission or a competent".

Wysiging van artikel 17 van Wet 74 van 1977, soos gewysig deur artikel 11 van Wet 16 van 1982

19. Artikel 17 van die Wet word hierby gewysig deur die woorde "kommissie of bevoegde" en die woorde "kommissie of die bevoegde", oral waar dit voorkom, te skrap.

Wysiging van artikel 18 van Wet 74 van 1977, soos gewysig deur artikel 12 van Wet 16 van 1982 en artikel 8 van Proklamasie AG. 33 van 1985

20. Artikel 18 van die Wet word hierby gewysig –

- (a) deur in subartikel (1) die woorde "kommissie of 'n" te skrap;
- (b) deur in subartikel (2) die woorde "kommissie of die betrokke", die woorde "na gelang van die geval, ", die woorde "kommissie of daardie" en die woorde "kommissie of genoemde", oral waar dit voorkom, te skrap;
- (c) deur in subartikel (3) die woorde "kommissie of 'n" te skrap;
- (d) deur in subartikel (4) die woorde "kommissie of 'n" te skrap;
- (e) deur in subartikel (5) die woorde "kommissie of 'n", die woorde "kommissie of die betrokke" en die woorde "na gelang van die geval, " te skrap; en
- (f) deur in subartikel (6) die woorde "kommissie of 'n" te skrap.

Wysiging van artikel 19 van Wet 74 van 1977

21. Artikel 19 van die Wet word hierby gewysig –

- (a) deur in subartikel (1) die woorde "kommissie of 'n" te skrap; en
- (b) deur in subartikel (2) die woorde "kommissie of 'n bevoegde" te skrap.

Amendment of section 20 of Act 74 of 1977, as amended by section 13 of Act 16 of 1982 and section 9 of Proclamation AG. 33 of 1985

22. Section 20 of the Act is hereby amended by the deletion of the words "commission or a", the words "or referred to it" and the words "commission or a competent", wherever they occur.

Amendment of section 21 of Act is hereby amended by section 3 of Act 29 of 1980 and section 10 of Proclamation AG. 33 of 1985

23. Section 21 of the Act is hereby amended by the deletion of the words "commission or a", the words "commission or" and the words "commission or the", wherever they occur.

Amendment of section 22 of Act 74 of 1977, as substituted by section 11 of Proclamation AG. 33 of 1985

24. Section 22 of the Act is hereby amended by the deletion of the words "commission and each".

Amendment of section 23bis of Act 74 of 1977, as inserted by section 14 of Act 16 of 1982 and substituted by section 12 of Proclamation AG. 33 of 1985

25. Section 23bis of the Act is hereby amended by the deletion of the words "commission or a member thereof designated by the chairman of the commission for that purpose, or the", and the insertion after the word "chairman", where it occurs for the last time, of the words "or a member".

Amendment of section 24 of Act 74 of 1977, as amended by section 4 of Act 29 of 1980 and section 15 of Act 16 of 1982

26. Section 24 of the Act is hereby amended –

- (a) by the substitution in paragraph (a) of subsection (1) for the word "commission" of the word "board"; and

Wysiging van artikel 20 van Wet 74 van 1977, soos gewysig deur artikel 13 van Wet 16 van 1982 en artikel 9 van Proklamasie AG. 33 van 1985

22. Artikel 20 van die Wet word hierby gewysig deur die woorde "kommissie of 'n", die woorde "na hom verwys" en die woorde "kommissie of 'n bevoegde", oral waar dit voorkom, te skrap.

Wysiging van artikel 21 van Wet 74 van 1977, soos gewysig deur artikel 3 van Wet 29 van 1980 en artikel 10 van Proklamasie AG. 33 van 1985

23. Artikel 21 van die Wet word hierby gewysig deur die woorde "kommissie of 'n", die woorde "kommissie of" en die woorde "kommissie of die", oral waar dit voorkom, te skrap.

Wysiging van artikel 22 van Wet 74 van 1977, soos vervang deur artikel 11 van Proklamasie AG. 33 van 1985

24. Artikel 22 van die Wet word hierby gewysig deur die woorde "kommissie en elke" te skrap.

Wysiging van artikel 23bis van Wet 74 van 1977, soos ingevoeg deur artikel 14 van Wet 16 van 1982 en vervang deur artikel 12 van Proklamasie AG. 33 van 1985

25. Artikel 23bis van die Wet word hierby gewysig deur die woorde "kommissie of 'n lid daarvan deur die voorsitter van die kommissie vir dié doel aangewys, of die" te skrap, en na die woord "voorsitter", waar dit die laaste maal voorkom, die woorde "of 'n lid" in te voeg.

Wysiging van artikel 24 van Wet 74 van 1977, soos gewysig deur artikel 4 van Wet 29 van 1980 en artikel 15 van Wet 16 van 1982

26. Artikel 24 van die Wet word hierby gewysig –

- (a) deur in paragraaf (a) van subartikel (1) die woord "kommissie" deur die woord "raad" te vervang; en

- (b) by the deletion of the words "commission or", the word "concerned" and the words "commission or a", wherever they occur.

Amendment of section 25 of Act 74 of 1977, as amended by section 16 of Act 16 of 1982 and section 14 of Proclamation AG. 33 of 1985

27. Section 25 of the Act is hereby amended by the deletion of the words "commission or a competent", the words "commission or", the word "concerned", the words "commission or a", the words "commission or the" and the words "commission or that", wherever they occur.

Amendment of section 26 of Act 74 of 1977

28. Section 26 of the Act is hereby amended –

- (a) by the deletion in subsection (1) of the words "commission or a", and the substitution for the word "commission", where it occurs for the second time, and the word "Minister" of the word "board" and the word "Administrator-General", respectively;
- (b) by the substitution in subsections (2) and (3) of the word "commission", wherever it occurs, of the word "board"; and
- (c) by the deletion in subsection (5) of the words "with the concurrence of the Minister of Finance," and the substitution for the word "Minister" of the word "Administrator-General".

Amendment of section 26bis of Act 74 of 1977 as inserted by section 14 of Proclamation AG. 33 of 1985.

29. Section 26bis of the Act is hereby amended by the substitution for the word "commission", wherever it occurs, of the word "board".

Amendment of section 28 of Act 74 of 1977

30. Section 28 of the Act is hereby amended by the substitution for the word "Minister", where-

- (b) deur die woorde "kommissie of die betrokke" en die woorde "kommissie of 'n", oral waar dit voorkom, te skrap.

Wysiging van artikel 25 van Wet 74 van 1977, soos gewysig deur artikel 16 van Wet 16 van 1982 en artikel 14 van Proklamasie AG. 33 van 1985

27. Artikel 25 van die Wet word hierby gewysig deur die woorde "kommissie of 'n bevoegde", die woorde "kommissie of die betrokke", die woorde "kommissie of 'n", die woorde "kommissie of die" en die woorde "kommissie of daardie", oral waar dit voorkom, te skrap.

Wysiging van artikel 26 van Wet 74 van 1977

28. Artikel 26 van die Wet word hierby gewysig –

- (a) deur in subartikel (1) die woorde "kommissie of 'n" te skrap, en die woord "kommissie", waar dit die tweede maal voorkom, en die woord "Minister" deur onderskeidelik, die woord "raad" en die woord "Aministrateur-generaal" te vervang;
- (b) deur in subartikels (2) en (3) die woord "kommissie", oral waar dit voorkom, deur die woord "raad" te vervang; en
- (c) deur in subartikel (5) die woorde "met die instemming van die Minister van Finansies" te skrap, en die woord "Minister" deur die woord "Administrateur-generaal" te vervang.

Wysiging van artikel 26bis van Wet 74 van 1977, soos ingevoeg deur artikel 14 van Proklamasie AG. 33 van 1985

29. Artikel 26bis van die Wet word hierby gewysig deur die woord "kommissie", oral waar dit voorkom, deur die woord "raad" te vervang.

Wysiging van artikel 28 van Wet 74 van 1977

30. Artikel 28 van die Wet word hierby gewysig deur die woord "Minister", oral waar dit voor-

ever it occurs, of the word "Administrator-General".

Amendment of section 29 of Act 74 of 1977

31. Section 29 of the Act is hereby amended by the deletion of the words "commission or the competent", the words "commission or the", the word "concerned", the words "commission or that" and the words "commission or", wherever they occur.

Amendment of section 30 of Act 74 of 1977, as amended by section 17 of Act 16 of 1982 and section 15 of Proclamation AG. 33 of 1985

32. Section 30 of the Act is hereby amended –

(a) by the deletion of the words "commission or a" (except where they occur for the last time in paragraph (b) and in paragraph (d) of subsection (1)), the words "commission or the", the words "commission or", the word "concerned" and the words "commission, a", wherever they occur, and the substitution for the word "Minister" and the words "a board", wherever they occur, of the word "Administrator-General" and the words "the board", respectively;

(b) by the substitution for paragraph (c) of subsection (1) of the following paragraph:

"(c) requiring the payment of a fee in respect of any permit granted or renewed for a definite or indefinite period, and prescribing the amount of any such fee and the times at which and manner in which it is to be paid;"

(c) by the substitution in paragraph (m) of subsection (1) for the word "commission" of the word "board";

(d) by the deletion in paragraph (n) of subsection (1) of the words "commission or a"; and

(e) by the deletion in subsection (2) of the words "except with the concurrence of the Minister of Finance".

kom, deur die woord "Administrateur-generaal" te vervang.

Wysiging van artikel 29 van Wet 74 van 1977

31. Artikel 29 van die Wet word hierby gewysig deur die woorde "kommissie of die bevoegde", die woorde "kommissie of die betrokke", die woorde "kommissie of daardie" en die woorde "kommissie of", oral waar dit voorkom, te skrap.

Wysiging van artikel 30 van Wet 74 van 1977, soos gewysig deur artikel 17 van Wet 16 van 1982 en artikel 15 van Proklamasie AG. 33 van 1985

32. Artikel 30 van die Wet word hierby gewysig –

(a) deur die woorde "kommissie of 'n" (behalwe waar dit die laaste maal in paragraaf (b) en in paragraaf (d) van subartikel (1) voorkom), die woorde "kommissie of die", die woorde "kommissie of die betrokke" en die woorde "kommissie, 'n", oral waar dit voorkom, te skrap, en die woord "Minister" en die woorde "'n raad", oral waar dit voorkom, deur, onderskeidelik, die woord "Administrateur-generaal" en die woorde "die raad" te vervang;

(b) deur paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

"(c) wat die betaling van gelde vereis ten opsigte van 'n permit wat vir 'n bepaalde of onbepaalde tydperk toegestaan of hernu is, en wat die bedrag van sodanige gelde en die tye en wyse waarop dit betaal moet word, voorskryf;"

(c) deur in paragraaf (m) van subartikel (1) die woord "kommissie" deur die woord "raad" te vervang;

(d) deur in paragraaf (n) van subartikel (1) die woorde "kommissie of 'n" te skrap; en

(e) deur in subartikel (2) die woorde "behalwe met die instemming van die Minister van Finansies" te skrap.

Amendment of section 31 of Act 74 of 1977, as amended by section 5 of Act 29 of 1980, section 18 of Act 16 of 1982 and section 16 of Proclamation AG. 33 of 1985

33. Section 31 of the Act is hereby amended by the substitution in subsection (4) of the words "commission or a".

Amendment of section 33 of Act 74 of 1977, as amended by section 17 of Proclamation AG. 33 of 1985

34. Section 33 of the Act is hereby amended –

- (a) by the deletion in paragraph (c) of the words "commission or the competent";
- (b) by the substitution in paragraph (f) for the words "a board" of the words "the board"; and
- (c) by the deletion in paragraph (i) of the words "commission or a".

Amendment of section 37 of Act 74 of 1977, as amended by section 22 of Proclamation AG. 33 of 1985

35. Section 37 of the Act is hereby amended –

- (a) by the substitution in subsection (1) in the words preceding paragraph (a) for the words "commission or a board may, and a board, if so directed by the commission, shall -" of the words "board may -";
- (b) by the deletion in paragraph (a) of subsection (1) of the words "commission or" and the word "concerned"; and
- (c) by the deletion in paragraph (b) of subsection (1) of the words "commission or", the word "concerned" and the words "or where such board is acting under a direction given by the commission, during such period as the commission may indicate or until the commission directs otherwise,".

Wysiging van artikel 31 van Wet 74 van 1977, soos gewysig deur artikel 5 van Wet 29 van 1980, artikel 18 van Wet 16 van 1982 en artikel 16 van Proklamasie AG. 33 van 1985

33. Artikel 31 van die Wet word hierby gewysig deur in subartikel (4) die woorde "kommissie of 'n" te skrap.

Wysiging van artikel 33 van Wet 74 van 1977, soos gewysig deur artikel 17 van Proklamasie AG. 33 van 1985

34. Artikel 33 van die Wet word hierby gewysig –

- (a) deur in paragraaf (c) die woorde "kommissie of die bevoegde" te skrap;
- (b) deur in paragraaf (f) die woorde "'n raad" deur die woorde "die raad" te vervang; en
- (c) deur in paragraaf (i) die woorde "kommissie of 'n" te skrap.

Wysiging van artikel 37 van Wet 74 van 1977, soos gewysig deur artikel 22 van Proklamasie AG. 33 van 1985

35. Artikel 37 van die Wet word hierby gewysig –

- (a) deur in subartikel (1) in die woorde wat paragraaf (a) voorafgaan die woorde "kommissie of 'n raad, en moet 'n raad, indien deur die kommissie daartoe gelas -" deur die woorde "kan die raad -" te vervang;
- (b) deur in paragraaf (a) van subartikel (1) die woorde "kommissie of die betrokke" te skrap; en
- (c) deur in paragraaf (b) van subartikel (1) die woorde "kommissie of die betrokke" en die woorde "of, waar daardie raad ingevolge 'n lasgewing deur die kommissie optree, gedurende die tydperk wat die kommissie aandui of totdat die kommissie anders gelas," te skrap.

Amendment of section 38 of Act 74 of 1977, as amended by section 21 of Proclamation AG. 33 of 1985

36. Section 38 of the Act is hereby amended by the deletion in subsection (2) of the words "commission or".

Amendment of section 41 of Act 74 of 1977

37. Section 41 of the Act is hereby amended by the substitution for the words preceding the proviso to subsection (1):

"All monies received by the commission or the board under this Act shall be paid into the Central Revenue Fund, and all expenditure incurred in the administration of this Act shall be defrayed from moneys appropriated by law out of that Fund."

Amendment of section 43 of Act 74 of 1977, as amended by section 22 of Proclamation AG. 33 of 1985

38. Section 43 of the Act is hereby amended by the deletion of the words "commission or a competent", the words "commission and any competent", the words "commission or", and the word "concerned", wherever they occur, and the substitution for the word "State President", the word "Gazette" and the word "Republic", wherever they occur, of the word "Administrator-General", the words "Official Gazette" and the word "Territory", respectively.

Amendment of section 44 of Act 74 of 1977

39. Section 44 of the Act is hereby amended by the deletion of the words "commission or a", wherever they occur, and the substitution for the word "Minister" and the word "Republic" of the word "Administrator-General" and the word "Territory", respectively.

Repeal of section 45 of Act 74 of 1977

40. Section 45 of the Act is hereby repealed.

Wysiging van artikel 38 van Wet 74 van 1977, soos gewysig deur artikel 21 van Proklamasie AG. 33 van 1985

36. Artikel 38 van die Wet word hierby gewysig deur in subartikel (2) die woorde "kommissie of" te skrap.

Wysiging van artikel 41 van Wet 74 van 1977

37. Artikel 41 van die Wet word hierby gewysig deur die woorde wat die voorbehoudsbepaling by subartikel (1) voorafgaan deur die volgende woorde te vervang:

"Alle geld wat kragtens hierdie Wet deur die kommissie of die raad ontvang word, moet in die Sentrale Inkomstefonds gestort word, en alle uitgawes wat by die uitvoering van hierdie Wet aangegaan word, moet uit geld bestry word wat by wet uit daardie Fonds bewillig is: "

Wysiging van artikel 43 van Wet 74 van 1977, soos gewysig deur artikel 22 van Proklamasie AG. 33 van 1985

38. Artikel 43 van die Wet word hierby gewysig deur die woorde "kommissie of 'n bevoegde", die woorde "kommissie en enige bevoegde" en die woorde "kommissie of die betrokke ", oral waar dit voorkom, te skrap, en die woord "Staatspresident", die woord "Staatskoerant" en die woord "Republiek", oral waar dit voorkom, deur, onderskeidelik, die woord "Administrateur-generaal", die woord "Offisiële Koerant" en die woord "Gebied" te vervang.

Wysiging van artikel 44 van Wet 74 van 1977

39. Artikel 44 van die Wet word hierby gewysig deur die woorde "kommissie of 'n", oral waar dit voorkom, te skrap, en die woord "Minister" en die woord "Republiek" deur, onderskeidelik, die woord "Administrateur-generaal" en die woord "Gebied" te vervang.

Herroeping van artikel 45 van Wet 74 van 1977

40. Artikel 45 van die Wet word hierby herroep.

Amendment of section 46 of Act 74 of 1977

41. Section 46 of the Act is hereby amended by the deletion of the word "also".

Amendment of section 48 of Act 74 of 1977

42. Section 48 of the Act is hereby amended –

- (a) by the substitution in subsection (2) for the word "commission" of the word "board";
- (b) by the deletion in subsection (3) of the words "commission or a", the words " , and a board, if so directed by the commission, shall, ";
- (c) by the deletion in subsections (4) and (5) of the words "commission or a" and the words "commission or" and the word "concerned", wherever they occur; and
- (d) by the substitution for the word "Minister" and the word "*Gazette*", wherever they occur, of the word "Administrator-General" and the words "*Official Gazette*", respectively.

Transitional provisions

43. (1) Anything done under any provision of the Act at any time before the commencement of this Proclamation by the National Transport Commission mentioned in section 3 of the Transport Co-ordination Act, 1948 (Act No.44 of 1948), shall be deemed to have been done under the corresponding provision of the Act by the Road Transportation Board of South West Africa established by section 4 of the Act.

(2) Any application for a permit under any provision of the Act submitted to the said National Transport Commission in connection with which there has not yet been decided on the date immediately before the commencement of this Proclamation, shall be continued before the Local Transportation Board of South West Africa as if any such application were submitted to the said Transportation Board on the date of such commencement.

Wysiging van artikel 46 van Wet 74 van 1977

41. Artikel 46 van die Wet word hierby gewysig deur die woord "ook" te skrap.

Wysiging van artikel 48 van Wet 74 van 1977

42. Artikel 48 van die Wet word hierby gewysig –

- (a) deur in subartikel (2) die woord "kommissie" deur die woord "raad" te vervang;
- (b) deur in subartikel (3) die woorde "kommissie of 'n", die woorde " , en 'n raad, indien deur die kommissie daartoe gelas, moet, " te skrap;
- (c) deur in subartikels (4) en (5) die woorde "kommissie of 'n" en die woorde "kommissie of die betrokke", oral waar dit voorkom, te skrap; en
- (d) deur die woord "Minister" en die woord "*Staatskoerant*", oral waar dit voorkom, deur, onderskeidelik, die woord "Administrateur-generaal" en die woorde "*Offisiële Koerant*" te vervang.

Oorgangsbepalings

43. (1) Enigiets wat te eniger tyd voor die inwerkingtreding van hierdie Proklamasie deur die Nasionale Vervoerkommissie in artikel 3 van die Wet op die Koördinering van Vervoer, 1948 (Wet No. 44 van 1948), vermeld, kragtens die een of ander bepaling van die Wet gedoen is, word geag kragtens die ooreenstemmende bepaling van die Wet deur die Padvervoerraad van Suidwes-Afrika ingestel by artikel 4 van die Wet, gedoen te gewees het.

(2) Enige aansoek om 'n permit kragtens die een of ander bepaling van die Wet wat by genoemde Nasionale Vervoerkommissie ingedien is en waaroor daar op die datum onmiddellik voor die inwerkingtreding van hierdie Proklamasie nog nie beslis is nie, word voor die Padvervoerraad van Suidwes-Afrika voortgesit asof so 'n aansoek op die datum van bedoelde inwerkingtreding by bedoelde Padvervoerraad ingedien is.

Short title and commencement

44. (1) This Proclamation shall be called the Road Transportation Amendment Proclamation, 1989, and shall, subject to the provisions of section 2(d), come into operation on a date determined by the Administrator-General by proclamation in the *Official Gazette*.

(2) Different dates may be determined under subsection (1) in respect of different provisions of this Proclamation.

(3) A reference in this Proclamation to the commencement thereof shall be construed as a reference to the date determined accordingly.

Kort titel en inwerkingtreding

44. (1) Hierdie Proklamasie heet die Wysigingsproklamasie op Padvervoer, 1989, en tree, behoudens die bepalings van artikel 2(d), in werking op 'n datum deur die Administrateur-generaal by proklamasie in die *Offisiële Koerant* bepaal.

(2) Verskillende datums kan kragtens subartikel (1) ten opsigte van verskillende bepalings van hierdie Proklamasie bepaal word.

(3) 'n Verwysing in hierdie Proklamasie na die inwerkingtreding daarvan word uitgelê as 'n verwysing na die datum wat dienooreenkomstig bepaal is.

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