



# GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2096. 23 September 1987

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It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 58 of 1987: Transport Advisory Council Act, 1987.

No. 58 van 1987: Wet op die Vervoeradviesraad, 1987.

# ACT

**To establish a Transport Advisory Council and to determine its functions and duties; and to provide for matters incidental thereto.**

*(Afrikaans text signed by the State President.)  
(Assented to 9 September 1987.)*

**BE IT ENACTED** by the State President and the Parliament of the Republic of South Africa, as follows:—

**Definitions.**

1. In this Act, unless the context otherwise indicates—
  - (i) "committee" means a committee established under section 8; (v) 5
  - (ii) "Council" means the Transport Advisory Council established by section 2; (x)
  - (iii) "department" means the Department of Transport; (iii)
  - (iv) "Director-General" means the Director-General: 10  
Transport; (iv)
  - (v) "employee" means an employee as defined in section 1 (1) of the Public Service Act, 1984 (Act No. 111 of 1984); (xii)
  - (vi) "local government body" means a local authority or a 15  
local management body; (ix)
  - (vii) "management committee" means a management committee established under section 7; (ii)
  - (viii) "Minister" means the Minister of Transport Affairs; 20  
(vi)
  - (ix) "motor-car" means a motor vehicle designed or adapted for the conveyance of not more than ten persons (including the driver); (vii)
  - (x) "motor vehicle" means any vehicle (other than a motor bicycle) designed or adapted for propulsion or haulage 25  
on a road by means of any power other than human or animal power and without the aid of rails, excluding any vehicle which is used exclusively for the conveyance of goods; (viii)
  - (xi) "officer" means an officer as defined in section 1 (1) of 30  
the Public Service Act, 1984 (Act No. 111 of 1984); (i)
  - (xii) "tour-vehicle operator" means a person who conveys persons on tours for reward by means of a motor-car or a motor vehicle. (xi)

**Establishment of Transport Advisory Council.**

2. (1) There is hereby established a council to be known as the 35  
Transport Advisory Council.
- (2) The Council shall perform the functions and fulfil the duties assigned to it in terms of this Act or any other law.

**Constitution of Council.**

3. (1) The Council shall consist of 40 members, appointed by the Minister, of whom— 40
  - (a) one shall be designated by the Minister as chairman and one as vice-chairman, neither of whom shall be in

# WET

Tot instelling van 'n Vervoeradvisraad en om sy werksaamhede en pligte te bepaal; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)  
(Goedgekeur op 9 September 1987.)

**DAAR WORD BEPAAL** deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken— Woordomskrywing.
- 5 (i) "beampte" 'n persoon soos in artikel 1 (1) van die Staatsdienswet, 1984 (Wet No. 111 van 1984), omskryf; (xi)
- (ii) "bestuurskomitee" 'n bestuurskomitee kragtens artikel 7 ingestel; (vii)
- 10 (iii) "departement" die Departement van Vervoer; (iii)
- (iv) "Direkteur-generaal" die Direkteur-generaal: Vervoer; (iv)
- (v) "komitee" 'n komitee kragtens artikel 8 ingestel; (i)
- (vi) "Minister" die Minister van Vervoerwese; (viii)
- 15 (vii) "motor" 'n motorvoertuig wat vir die vervoer van hoogstens tien persone (met inbegrip van die bestuurder) ontwerp of aangepas is; (ix)
- (viii) "motorvoertuig" 'n voertuig (behalwe 'n motorfiets) wat ontwerp of aangepas is om deur middel van ander krag as mense- of dierekrag en sonder behulp van spoorstawe op 'n pad voortbeweeg of getrek te word, uitsluitende enige voertuig wat uitsluitlik gebruik word vir die vervoer van goedere; (x)
- 20 (ix) "plaaslike owerheidsliggaam" 'n plaaslike owerheid of 'n plaaslike bestuursliggaam; (vi)
- 25 (x) "Raad" die Vervoeradvisraad by artikel 2 ingestel; (ii)
- (xi) "toervoertuigoperateur" 'n persoon wat persone op toere deur middel van 'n motor of motorvoertuig teen vergoeding vervoer; (xii)
- 30 (xii) "werknemer" 'n persoon soos in artikel 1 (1) van die Staatsdienswet, 1984 (Wet No. 111 van 1984), omskryf. (v)
2. (1) Daar word hierby 'n raad ingestel bekend as die Vervoeradvisraad. Instelling van Vervoeradvisraad.
- 35 (2) Die Raad verrig die werksaamhede en voer die pligte uit wat kragtens hierdie Wet of enige ander wet aan hom opgedra word.
3. (1) Die Raad bestaan uit 40 lede, deur die Minister aangestel, van wie— Samestelling van Raad.
- 40 (a) een as die voorsitter en een as die ondervoorsitter deur die Minister aangewys word, van wie geeneen in diens

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the service of the State or of the South African Transport Services;

- (b) two shall be officers of the department nominated by the department;
- (c) one shall be an officer of the Department of Finance 5 nominated by that Department;
- (d) one shall be an officer of the Department of Development Aid nominated by that Department;
- (e) one shall be an officer of the Department of Mineral and Energy Affairs nominated by that Department; 10
- (f) one shall be an officer of the Department of Constitutional Development and Planning nominated by that Department;
- (g) four shall be persons who each represent a provincial administration and are nominated by the administrator 15 concerned;
- (h) four shall be persons who represent local government bodies, of whom—
  - (i) one shall be a person nominated by the Urban Council Association of South Africa; 20
  - (ii) two shall be persons nominated by the National *ad hoc* Committee of the Association of Coloured and Indian Consultative Local Affairs and Management Committees; and
  - (iii) one shall be a person nominated by the United 25 Municipal Executive of South Africa;
- (i) two shall be persons nominated by the South African Transport Services, of whom one shall represent the commercial interests thereof;
- (j) one shall be a person nominated by the National Road 30 Safety Council; and
- (k) 21 shall be persons who are not in the service of the State, of whom—
  - (i) one shall be a person nominated by an association 35 or associations which in the opinion of the Minister represent persons engaged in agriculture;
  - (ii) one shall be a person nominated by an association or associations which in the opinion of the Minister represent the mining industry;
  - (iii) two shall be persons nominated by an association 40 or associations which in the opinion of the Minister represent commercial and private aviation interests;
  - (iv) five shall be persons nominated by an association 45 or associations which in the opinion of the Minister represent organized commerce and industry;
  - (v) two shall be persons nominated by an association or associations which in the opinion of the Minister represent the road transportation industry with regard to the conveyance of persons for reward; 50
  - (vi) two shall be persons nominated by an association or associations which in the opinion of the Minister represent the road transportation industry with regard to the conveyance of goods;
  - (vii) two shall be persons nominated by an association 55 or associations which in the opinion of the Minister represent the shipping industry, including the industry which represents the carriage of goods by sea;
  - (viii) two shall be persons nominated by an association 60 or associations recommended by the Department of Manpower, which in the opinion of the Minister represent employees;

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- van die Staat of van die Suid-Afrikaanse Vervoerdienste mag wees nie;
- (b) twee beamptes van die departement moet wees deur die departement benoem;
- 5 (c) een 'n beampte van die Departement van Finansies moet wees deur daardie Departement benoem;
- (d) een 'n beampte van die Departement van Ontwikkelingshulp moet wees deur daardie Departement benoem;
- 10 (e) een 'n beampte van die Departement van Mineraal- en Energiesake moet wees deur daardie Departement benoem;
- (f) een 'n beampte van die Departement van Staatkundige Ontwikkeling en Beplanning moet wees deur daardie Departement benoem;
- 15 (g) vier persone moet wees wat elkeen 'n provinsiale administrasie verteenwoordig en deur die betrokke administrateur benoem is;
- (h) vier persone moet wees wat plaaslike owerheidsliggame verteenwoordig, van wie—
- 20 (i) een 'n persoon moet wees wat benoem word deur die Vereniging van Stedelike Rade van Suid-Afrika;
- (ii) twee persone moet wees wat benoem word deur die Nasionale *ad hoc*-komitee van die Vereniging van Kleurling- en Indiër-Raadplegende, Buurtsake en Bestuurskomitees; en
- 25 (iii) een 'n persoon moet wees wat benoem word deur die Verenigde Munisipale Bestuur van Suid-Afrika;
- 30 (i) twee persone moet wees wat deur die Suid-Afrikaanse Vervoerdienste benoem word, van wie een die handelsbelange daarvan verteenwoordig;
- (j) een 'n persoon moet wees deur die Nasionale Verkeersveiligheidsraad benoem; en
- 35 (k) 21 persone moet wees wat nie in die diens van die Staat is nie, van wie—
- (i) een 'n persoon moet wees wat benoem word deur 'n vereniging of verenigings wat na die oordeel van die Minister persone verteenwoordig wat landbou beoefen;
- 40 (ii) een 'n persoon moet wees wat benoem word deur 'n vereniging of verenigings wat na die oordeel van die Minister die mynbou verteenwoordig;
- 45 (iii) twee persone moet wees wat benoem word deur 'n vereniging of verenigings wat na die oordeel van die Minister die belange van handelslugvaart en private lugvaart verteenwoordig;
- (iv) vyf persone moet wees wat benoem word deur 'n vereniging of verenigings wat na die oordeel van die Minister die georganiseerde handel en nywerheid verteenwoordig;
- 50 (v) twee persone moet wees wat benoem word deur 'n vereniging of verenigings wat na die oordeel van die Minister die padvervoerbedryf met betrekking tot die vervoer van persone teen vergoeding verteenwoordig;
- 55 (vi) twee persone moet wees wat benoem word deur 'n vereniging of verenigings wat na die oordeel van die Minister die padvervoerbedryf met betrekking tot die vervoer van goedere verteenwoordig;
- 60 (vii) twee persone moet wees wat benoem word deur 'n vereniging of verenigings wat na die oordeel van die Minister die skeepvaartbedryf verteenwoordig, met inbegrip van die bedryf wat die vervoer van goedere oor see verteenwoordig;
- 65 (viii) twee persone moet wees wat benoem word deur 'n vereniging of verenigings deur die Departement van Mannekrag aanbeveel, wat na die oordeel van die Minister werknemers verteenwoordig;

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- (ix) one shall be a person nominated by an association or associations which in the opinion of the Minister represent the tourist industry, including the interests of tour-vehicle operators;
- (x) one shall be a person nominated by an association or associations which in the opinion of the Minister represent the interests of owners or drivers of motor-cars;
- (xi) one shall be a person nominated by organizations and institutions which in the opinion of the Minister conduct research, educational or training programmes in respect of transport matters; and
- (xii) one shall be a person nominated by the Federation of Societies of Professional Engineers, and who in the opinion of the Minister has special knowledge of or experience in transport engineering.

(2) For the purpose of subsection (1) (k), due regard shall be given to the interests of all population groups, and the appointees shall be persons who, in the opinion of the Minister, on account of their training or experience have special knowledge with regard to national or international transport matters, or industrial, commercial, legal or financial matters, or in the conduct of public affairs.

(3) (a) To enable the Minister to make the appointments contemplated in subsection (1) (k), the Director-General shall by notice in writing, request the body concerned to submit to him in writing within 30 days after the date of the request the names of no fewer than two persons in respect of each appointment required to be made.

(b) If no or an insufficient number of names are submitted as required in terms of paragraph (a), the Minister may, subject to the provisions of subsection (2), instead of a person nominated as contemplated in subsection (1) (k), appoint as a member of the Council any other person whom he thinks fit.

(c) The Minister may, if he is of the opinion that the persons nominated in terms of subsection (1) (k) do not comply with the provisions of subsection (2), subject to the provisions of the said subsection, appoint any person whom he thinks fit as a member of the Council, or request the association or associations concerned to nominate other suitable persons.

Term of office of members of Council and filling of vacancies.

4. (1) The chairman, the vice-chairman and the members referred to in paragraph (k) of section 3 (1), shall each hold office under such conditions and for such period, but not exceeding four years, as the Minister may determine at the time of the appointment of such member, but shall be eligible for reappointment: Provided that the Minister may at any time terminate the membership of any such member if in his opinion there are sound reasons for doing so.

(2) A member of the Council who is a person in the full-time service of the State, shall hold his office during the Minister's pleasure.

(3) Every vacancy on the Council arising from a circumstance referred to in section 5 (2), or caused by the death of a member, or for any other reason whatsoever, shall, subject to the provisions of section 3 and subsections (1) and (2) of this section, be filled by the appointment by the Minister of another person as a member of the Council, and every member so appointed shall hold office for such period as the Minister may determine.

Disqualification of members of Council and vacating of office.

5. (1) A person shall be disqualified from being appointed to or remaining a member of the Council if he—

- (a) is an unrehabilitated insolvent;
- (b) has been convicted of an offence for which he has been sentenced to imprisonment without the option of a fine, unless he has received a grant of amnesty or a free pardon;

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- (ix) een 'n persoon moet wees wat benoem word deur 'n vereniging of verenigings wat na die oordeel van die Minister die toeristebedryf, met inbegrip van die belange van toervoertuigoperateurs, verteenwoordig;
- 5 (x) een 'n persoon moet wees wat benoem word deur 'n vereniging of verenigings wat na die oordeel van die Minister die belange van eienaars of bestuurders van motors verteenwoordig;
- 10 (xi) een 'n persoon moet wees wat benoem word deur instansies en inrigtings wat na die oordeel van die Minister navorsings-, opvoedkundige en opleidingsprogramme ten opsigte van vervoeraangeleenthede behartig; en
- 15 (xii) een 'n persoon moet wees wat deur die Federasie van Verenigings vir Professionele Ingenieurs benoem word, en wat na die oordeel van die Minister oor besondere kennis of ondervinding van vervoeringieurswese beskik.
- 20 (2) By die toepassing van subartikel (1) (k), moet die belange van alle bevolkingsgroepe deeglik in ag geneem word, en moet die benoemdes persone wees wat, na die oordeel van die Minister, op grond van hul opleiding of ervaring beskik oor besondere kennis met betrekking tot nasionale of internasionale vervoer-
- 25 aangeleenthede, of nywerheids-, handels-, regs- of finansiële aangeleenthede, of in die leiding van openbare sake.
- (3) (a) Ten einde die Minister in staat te stel om die aanstellings in subartikel (1) (k) bedoel, te doen, moet die Direkteur-generaal by skriftelike kennisgewing die betrokke liggaam versoek om binne 30 dae na die datum van die versoek die name van nie minder nie as twee persone ten opsigte van elke aanstelling wat gedoen moet word, skriftelik aan hom voor te lê.
- 30 (b) Indien geen of 'n onvoldoende getal name soos vereis ingevolge paragraaf (a) voorgelê word, kan die Minister, behoudens die bepalings van subartikel (2), in plaas van 'n persoon benoem soos beoog in subartikel (1) (k), enige ander persoon wat hy geskik ag, as 'n lid van die Raad aanstel.
- 35 (c) Die Minister kan, indien hy van oordeel is dat die persone ingevolge subartikel (1) (k) benoem, nie aan die bepalings van subartikel (2) voldoen nie, behoudens die bepalings van genoemde subartikel, enige persoon wat hy geskik ag, as 'n lid van die Raad aanstel, of die betrokke vereniging of verenigings versoek om ander geskikte persone te benoem.
- 40 45
4. (1) Die voorsitter, die ondervoorsitter en die lede in paragraaf (k) van artikel 3 (1) bedoel, beklee elk hul amp op die voorwaardes en vir die tydperk, maar hoogstens vier jaar, wat
- 50 die Minister ten tyde van die aanstelling van elk bepaal, maar kan weer aangestel word: Met dien verstande dat die Minister te eniger tyd die lidmaatskap van so 'n lid kan beëindig indien na sy oordeel goeie redes daarvoor bestaan om dit te doen.
- (2) 'n Lid van die Raad wat 'n persoon in die heeltydse diens
- 55 van die Staat is, beklee sy amp solank dit die Minister behaag.
- (3) Elke vakature in die Raad wat ontstaan as gevolg van 'n omstandigheid bedoel in artikel 5 (2), of wat veroorsaak word deur die dood van 'n lid, of om watter rede ook al, word, behoudens die bepalings van artikel 3 en subartikels (1) en (2) van
- 60 hierdie artikel, deur die aanstelling deur die Minister van 'n persoon as lid van die Raad gevul, en elke lid wat aldus aangestel word, beklee sy amp vir die tydperk deur die Minister bepaal.
5. (1) Niemand is bevoeg om as lid van die Raad aangestel te word of lid van die Raad te bly nie indien hy—
- 65 (a) 'n ongerehabiliteerde insolvent is;
- (b) aan 'n misdryf skuldig bevind is en tot gevangenisstraf sonder die keuse van 'n boete gevonnissen is, tensy amnestie of algehele grasia aan hom toegestaan is;

Ampstermyn van lede van Raad en vul van vakatures.

Onbevoegdheid vir lidmaatskap van Raad en ontruiming van amp.

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- (c) is directly elected, indirectly elected, or nominated as a member of Parliament;
  - (d) is or becomes a member of the executive committee of any province;
  - (e) is a person nominated under paragraph (k) of section 3 (1) who holds any office of profit under the Republic, as contemplated in section 54 (e) of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983); or
  - (f) is of unsound mind and has been so declared by a competent court.
- (2) A member of the Council shall vacate his office if he—
- (a) tenders his resignation in writing to the Minister;
  - (b) becomes subject to any disability mentioned in subsection (1); or
  - (c) has been absent without the leave of the Council from more than three consecutive meetings of the Council or of a committee thereof of which he is a member.

Meetings and directives of Council.

6. (1) The Council shall meet at such times and places as the chairman may from time to time determine: Provided that the Council shall meet at least three times in every year.

(2) The chairman of the Council may at any time convene a special meeting of the Council to be held at such time and place as he may determine.

(3) If the chairman of the Council is temporarily absent or unable to act as chairman at any meeting of the Council, the vice-chairman shall preside at such meeting, and if both the chairman and vice-chairman are so absent or unable to act, as the case may be, the members present at such meeting may elect one of their number to preside thereat.

(4) The Council may, with the concurrence of the Minister, issue directives with regard to—

- (a) the determination of a quorum for and the procedure at meetings of the Council and the committees thereof; and
- (b) any other matter which in the opinion of the Council is necessary for the proper performance of its functions and fulfilment of its duties.

Management committee.

7. (1) (a) There shall be a committee known as the management committee.

(b) The management committee shall perform the functions and fulfil the duties assigned to it in terms of this Act.

(2) (a) The management committee shall consist of the chairman and vice-chairman of the Council, and five members of the Council (of whom no fewer than two shall be persons referred to in section 3 (1) (k)) designated by the Minister on the recommendation of the Council.

(b) A member of the management committee, excluding the chairman and vice-chairman, is appointed for a period not exceeding one year.

(3) During periods between meetings of the Council, and subject to such directions as the Council may give from time to time, the management committee shall perform all the functions and exercise all the powers of the Council, but it shall not have the power, save in so far as the Council may otherwise direct, to set aside or vary a decision of the Council.

(4) (a) The management committee shall meet at such times and places as the chairman may from time to time determine.

(b) If the chairman of the management committee is temporarily absent or unable to act as chairman at any meeting of the management committee, the vice-chairman shall preside at such meeting, and if both the chairman and vice-chairman are so absent or unable to act, as the case may be, the members present at such meeting may elect one of their number to preside thereat.



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- (c) direk verkies, indirek verkies, of benoem word as lid van die Parlement;
- (d) 'n lid van die uitvoerende komitee van 'n provinsie is of word;
- 5 (e) 'n persoon is wat kragtens paragraaf (k) van artikel 3 (1) benoem word en wat 'n winsbetrekking onder die Republiek, soos beoog in artikel 54 (e) van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), beklee; of
- 10 (f) in sy geestesvermoë gekrenk is en deur 'n bevoegde hof aldus verklaar is.
- (2) 'n Lid van die Raad ontruim sy amp indien hy—
- (a) skriftelik sy bedanking by die Minister indien;
- 15 (b) onderworpe word aan 'n onbevoegdheid in subartikel (1) vermeld; of
- (c) sonder verlof van die Raad van meer as drie agtereenvolgende vergaderings van die Raad of 'n komitee daarvan waarvan hy 'n lid is, afwesig was.
6. (1) Die Raad vergader op die tye en plekke wat die voorsitter van tyd tot tyd bepaal: Met dien verstande dat die Raad minstens drie keer in elke jaar moet vergader. Vergaderings en voorskrifte van Raad.
- (2) Die voorsitter van die Raad kan te eniger tyd 'n buitengewone vergadering van die Raad belê wat gehou moet word op die tyd en plek wat hy bepaal.
- 25 (3) Indien die voorsitter van die Raad tydelik afwesig is of nie in staat is om as voorsitter op 'n vergadering van die Raad op te tree nie, sit die ondervoorsitter voor op so 'n vergadering, en indien die voorsitter sowel as die ondervoorsitter aldus afwesig is of nie in staat is om op te tree nie, na gelang van die geval, kan die lede wat op die vergadering aanwesig is iemand uit hul geledere kies om op daardie vergadering voor te sit.
- (4) Die Raad kan, met die instemming van die Minister, voorskrifte uitreik aangaande—
- 35 (a) die vasstelling van 'n kworum vir en die prosedure op vergaderings van die Raad en die komitees daarvan; en
- (b) enige ander aangeleentheid wat na die oordeel van die Raad nodig is vir die behoorlike verrigting van sy werksaamhede en uitvoering van sy pligte.
7. (1) (a) Daar word hierby 'n komitee ingestel bekend as die Bestuurskomitee.
- 40 (b) Die bestuurskomitee verrig die werksaamhede en voer die pligte uit wat kragtens hierdie Wet aan hom opgedra word.
- (2) (a) Die bestuurskomitee bestaan uit die voorsitter en ondervoorsitter van die Raad, en vyf lede van die Raad (waarvan nie minder nie as twee persone moet wees in artikel 3 (1) (k) bedoel) wat op aanbeveling van die Raad deur die Minister aangewys is.
- 45 (b) 'n Lid van die bestuurskomitee, uitgesonderd die voorsitter en ondervoorsitter, word vir 'n tydperk van hoogstens een jaar aangestel.
- (3) Gedurende tydperke tussen vergaderings van die Raad, en behoudens die voorskrifte wat die Raad van tyd tot tyd uitreik, verrig die bestuurskomitee al die werksaamhede van die Raad en oefen al die bevoegdhede van die Raad uit, maar het nie die bevoegdheid, behalwe vir sover die Raad anders mag gelas, om 'n besluit van die Raad tersyde te stel of te wysig nie.
- (4) (a) Die bestuurskomitee vergader op die tye en plekke wat die voorsitter van tyd tot tyd bepaal.
- 60 (b) Indien die voorsitter van die bestuurskomitee tydelik afwesig is of nie in staat is om as voorsitter op 'n vergadering van die bestuurskomitee op te tree nie, sit die ondervoorsitter voor op so 'n vergadering, en indien die voorsitter en ondervoorsitter aldus afwesig is of nie in staat is om op te tree nie, na gelang van die geval, kan die lede wat op die vergadering aanwesig is iemand uit hulle geledere kies om op daardie vergadering voor te sit.
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	<p>(c) The decision of not fewer than five members of the management committee shall constitute a decision thereof: Provided that in the event of an equality of votes the member presiding at that meeting shall have a casting vote in addition to his deliberative vote. 5</p>
<p>Committees for specific purpose.</p>	<p><b>8.</b> (1) The Council may establish one or more committees to inquire into such matters as may be referred by the Council to any such committee.</p> <p>(2) The Council may from among its members appoint such persons, but not fewer than five, as members of any such committee as it may deem fit.</p> <p>(3) One of the members of any such committee shall be designated by the Council as chairman of the committee.</p> <p>(4) Any such committee may with the consent of the Council or of the chairman of the Council co-opt any person or persons, with the approval of the Minister, to serve on the committee for a period determined by the committee, or to attend a particular meeting of the committee: Provided that the number of persons so co-opted shall not exceed the number of members of the Council who serve on such committee. 20</p> <p>(5) A person or persons so co-opted shall serve on the relevant committee, or attend a particular meeting of the committee, as the case may be, in an advisory capacity and shall have no right to vote at any meeting of the committee.</p> <p>(6) If a person so co-opted on a committee has submitted to such committee any recommendations on any matter considered by the committee, he may submit a written report on such recommendations to the Council. 25</p>
<p>Remuneration of members and co-opted members of Council and committees.</p>	<p><b>9.</b> A member or a co-opted member of the Council or a committee thereof (other than a member who is in the full-time service of the State or the South African Transport Services) shall be paid, out of moneys appropriated by Parliament for the purpose, such remuneration and allowances in respect of his service as a member of the Council or committee thereof as the Minister with the concurrence of the Minister of Finance may determine. 35</p>
<p>Functions and duties of Council.</p>	<p><b>10.</b> The Council shall—</p> <p>(a) advise the Minister on current and future transport policy, taking into account any relevant national and international transport matter;</p> <p>(b) with the approval of the Minister, arrange for such research or investigation by any person or body into matters pertaining to transport as the Council may deem necessary;</p> <p>(c) from time to time confer with associations concerned with the transport industry; 45</p> <p>(d) receive, from any association, representations, recommendations or complaints relating to transport and investigate and evaluate all representations, recommendations or complaints so received;</p> <p>(e) consider any other matter connected with or incidental to transport that may be referred to the Council by the Minister; and 50</p> <p>(f) in the form determined by the Minister, report to the Minister on any such matters, including the result of the deliberations of the Council, as the Minister may from time to time determine. 55</p>
<p>Funds.</p>	<p><b>11.</b> The Council shall perform its functions and fulfil its duties out of the money appropriated by Parliament for such purpose.</p>
<p>Persons in service of Council.</p>	<p><b>12.</b> The Director-General shall, subject to the Public Service Act, 1984 (Act No. 111 of 1984), designate as many officers and employees in the department as may be necessary to assist the Council and any committee thereof in the performance of its functions and fulfilment of its duties, and such officers and employees shall assist the Council or such committee subject to the directions of the Director-General. 65</p>

## WET OP DIE VERVOERADVIESRAAD, 1987

## Wet No. 58, 1987

(c) Die beslissing van ten minste vyf lede van die bestuurskomitee maak 'n besluit daarvan uit: Met dien verstande dat by staking van stemme die persoon wat op daardie vergadering voorsit benewens sy beraadslagende stem 'n beslissende stem het.

8. (1) Die Raad kan een of meer komitees van die Raad instel wat ondersoek doen na aangeleenthede wat die Raad na so 'n komitee verwys. Komitees vir bepaalde doel.

(2) Die Raad kan uit sy lede die persone, maar nie minder nie as vyf, na hy goedvind, aanstel as lede van so 'n komitee.

(3) Een van die lede van so 'n komitee word deur die Raad as die voorsitter van die komitee aangewys.

(4) So 'n komitee kan met die toestemming van die Raad of van die voorsitter van die Raad enige persoon of persone, met die goedkeuring van die Minister, koöpteer om in die komitee te dien vir 'n tydperk deur die komitee bepaal, of om 'n bepaalde vergadering van die Komitee by te woon: Met dien verstande dat die aantal persone aldus gekoöpteer nie die aantal lede van die Raad wat in die komitee dien, oorskry nie.

(5) 'n Persoon of persone aldus gekoöpteer, dien in die betrokke komitee, of woon 'n bepaalde vergadering van die komitee by, na gelang van die geval, in 'n adviserende hoedanigheid en het geen stemreg op 'n vergadering van die komitee nie.

(6) Indien 'n persoon wat in 'n komitee aldus gekoöpteer is enige aanbevelings aan so 'n komitee voorgelê het aangaande 'n aangeleentheid deur die komitee oorweeg, mag hy 'n skriftelike verslag oor sodanige aanbevelings aan die Raad voorlê.

9. 'n Lid of 'n gekoöpteerde lid van die Raad of 'n komitee daarvan (uitgesonderd 'n lid wat in die heeltidse diens van die Staat of die Suid-Afrikaanse Vervoerdienste is) ontvang, uit gelde wat die Parlement vir dié doel bewillig, die besoldiging en toelaes ten opsigte van sy dienste as 'n lid van die Raad of komitee daarvan wat die Minister met die instemming van die Minister van Finansies bepaal. Besoldiging van lede en gekoöpteerde lede van Raad en komitees.

10. Die Raad moet—

(a) die Minister van raad dien oor huidige en toekomstige vervoerbeleid, met inagneming van enige nasionale en internasionale vervoeraangeleentheid;

(b) met die goedkeuring van die Minister, die navorsing en ondersoek deur enige persoon of liggaam reël wat betrekking het op vervoeraangeleenthede wat die Raad nodig ag;

(c) van tyd tot tyd met verenigings betrokke by die vervoerbedryf oorleg pleeg;

(d) van 'n vereniging verhoë, aanbevelings of klagtes met betrekking tot vervoeraangeleenthede ontvang en alle verhoë, aanbevelings of klagtes aldus ontvang, ondersoek en evalueer;

(e) enige ander aangeleentheid in verband met of bykomstig by vervoer wat deur die Minister na die Raad verwys is, oorweeg; en

(f) in die vorm bepaal deur die Minister, aan die Minister verslag doen oor enige aangeleenthede, met inbegrip van die uitslag van die Raad se beraadslagings, wat die Minister van tyd tot tyd bepaal.

Wersaamhede en pligte van Raad.

11. Die Raad verrig sy wersaamhede en voer sy pligte uit, uit geld deur die Parlement vir dié doel bewillig. Fondse.

12. Die Direkteur-generaal wys, behoudens die bepalinge van die Staatsdienswet, 1984 (Wet No. 111 van 1984), soveel beampies en werknemers van die departement aan as wat nodig is om die Raad en enige komitee daarvan met die verrigting van sy wersaamhede en die uitvoering van sy pligte by te staan, en daardie beampies en werknemers staan die Raad of 'n komitee daarvan by onderworpe aan die voorskrifte van die Direkteur-generaal. Persone in diens van Raad.

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Annual report.

**13.** (1) The Council shall, as soon as possible after 31 December in each year but not later than 28 February of the ensuing year, submit an annual report to the Minister in respect of its and of any of its committee's functions, activities and recommendations during that year ending on 31 December. 5

(2) The Council shall make specific mention in the report of any matter in respect of which any recommendation made by the Council to the Minister during that year, was not acted upon.

(3) The annual report shall be laid upon the Table of Parliament by the Minister within 14 days after receipt thereof if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within 14 days after the commencement of its next ensuing ordinary session. 10

References.

**14.** Any reference in any law or elsewhere to the National Marine Advisory Committee established by section 6 (1) of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), the Civil Aviation Advisory Committee appointed in terms of section 5 of the Aviation Act, 1962 (Act No. 74 of 1962), and the South African Shipping Board established by section 2 of the South African Shipping Board Act, 1976 (Act No. 74 of 1976), shall be construed as a reference to the Transport Advisory Committee established by section 2 of this Act. 20

Amendment of section 6 of Act 57 of 1951, as amended by section 6 of Act 30 of 1959, section 3 of Act 40 of 1963 and section 3 of Act 5 of 1976.

**15.** Section 6 of the Merchant Shipping Act, 1951, is hereby amended—

- (a) by the deletion of subsections (1), (3) and (4); 25
- (b) by the deletion in subsection (8) of the words "the National Marine Advisory Council, and"; and
- (c) by the deletion in subsection (9) of the words "of the National Marine Advisory Council, and".

Repeal of section 5 of Act 74 of 1962, as amended by section 3 of Act 63 of 1981.

**16.** Section 5 of the Aviation Act, 1962, is hereby repealed. 30

Repeal of Act 74 of 1976.

**17.** The South African Shipping Board Act, 1976, is hereby repealed.

Short title and commencement.

**18.** This Act shall be called the Transport Advisory Council Act, 1987, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*. 35

## WET OP DIE VERVOERADVIESRAAD, 1987

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13. (1) Die Raad moet, so spoedig doenlik na 31 Desember van elke jaar maar nie later nie as 28 Februarie van die daaropvolgende jaar, 'n jaarverslag met betrekking tot sy en enige van sy komitees se werksaamhede, bedrywighede en aanbevelings gedurende daardie jaar wat op 31 Desember eindig aan die Minister voorlê. Jaarverslag.
- (2) Die Raad moet in die verslag uitdruklik melding maak van enige aangeleentheid ten opsigte waarvan daar nie op 'n aanbeveling wat gedurende die betrokke jaar deur die Raad aan die Minister gedoen is, gehandel is nie. 10
- (3) Die jaarverslag word deur die Minister in die Parlement ter Tafel gelê binne 14 dae na ontvangs daarvan indien die Parlement dan in gewone sessie is of, indien die Parlement nie dan in gewone sessie is nie, binne 14 dae na die aanvang van sy eersvolgende gewone sessie. 15
14. 'n Verwysing in 'n wet of elders na die Nasionale Marineadviesraad by artikel 6 (1) van die Handelskeepvaartwet, 1951 (Wet No. 57 van 1951), ingestel, die Adviserende Komitee vir Burgerlike Lugvaart ingevolge artikel 5 van die Lugvaartwet, 20 1962 (Wet No. 74 van 1962), aangestel, en die Suid-Afrikaanse Skeepvaartraad by artikel 2 van die Wet op die Suid-Afrikaanse Skeepvaartraad, 1976 (Wet No. 74 van 1976), ingestel, word uitgelê as 'n verwysing na die Vervoeradvisraad by artikel 2 ingestel. Verwysings.
- 25 15. Artikel 6 van die Handelskeepvaartwet, 1951, word hierby gewysig— Wysiging van artikel 6 van Wet 57 van 1951, soos gewysig deur artikel 6 van Wet 30 van 1959, artikel 3 van Wet 40 van 1963 en artikel 3 van Wet 5 van 1976.
- (a) deur subartikels (1), (3) en (4) te skrap;
- (b) deur in subartikel (8) die woorde "van die Nasionale Marineadviesraad, en" te skrap; en
- 30 (c) deur in subartikel (9) die woorde "van die Nasionale Marineadviesraad, en" te skrap.
16. Artikel 5 van die Lugvaartwet, 1962, word hierby herroep. Herroeping van artikel 5 van Wet 74 van 1962, soos gewysig deur artikel 3 van Wet 63 van 1981.
17. Die Wet op die Suid-Afrikaanse Skeepvaartraad, 1976, word hierby herroep. Herroeping van Wet 74 van 1976.
- 35 18. Hierdie Wet heet die Wet op die Vervoeradvisraad, 1987, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. Kort titel en inwerkingtreding.

