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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT NOTICE

DEPARTMENT OF TRANSPORT

No. R. 2653 30 December 1977

THE ROAD TRANSPORTATION REGULATIONS, 1977

The Minister of Transport has, under the provisions of section 30 of the Road Transportation Act, 1977 (Act 74 of 1977) made the regulations contained in the Schedule hereto, with effect from 1 January 1978.

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DEPARTEMENT VAN VERVOER

No. R. 2653 30 Desember 1977

DIE PADVERVOERREGULASIES, 1977

Die Minister van Vervoer het, kragtens die bepalings van artikel 30 van die Wet op Padvervoer, 1977 (Wet 74 van 1977) die regulasies in die Bylae hiervan uitgevaardig met ingang van 1 Januarie 1978.

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DEFINITIONS

1. In these regulations, unless inconsistent with the context, any expression to which a meaning has been assigned in the Act shall, when used in these regulations, have the meaning thus assigned, and—

(i) "the Act" means the Road Transportation Act, 1977 (Act 74 of 1977);

(ii) "transport year" means the period 1 July in any year to 30 June of the following year.

MANNER IN WHICH CERTAIN FORMS OF EXEMPTED ROAD TRANSPORTATION MAY BE UNDERTAKEN

2. (1) Whenever—

(a) an hotel conveys its own guests and their personal effects in terms of section 1 (2) (j) of the Act;

(b) a decentralised industry conveys its own goods in terms of section 1 (2) (v) of the Act;

(c) any person conveys goods within the boundaries of an exempted area in terms of section 1 (2) (w) of the Act;

(d) a carrier conveys goods in terms of section 1 (2) (x) of the Act; or

(e) any person carrying on any industry or trade or business conveys his own goods in terms of section 1 (2) (y) of the Act;

the following identifying particulars shall be painted on both sides of the motor vehicle thus used and shall be in a colour that shows up clearly against the background on which they are painted:

(i) The full registered name or style of such hotel or decentralised industry or the name of such person, carrier or person carrying on such industry or trade or business, as the case may be;

(ii) the full business address (not postal address) of such hotel or decentralised industry or of such person, carrier or person carrying on such industry, trade or business, as the case may be;

(iii) in the case of the industry, carrier or person referred to in subregulation (1) (b), (d) and (e), the nature of the business.

(2) The minimum dimensions of all letters and figures used in the painting of the particulars provided for in subregulation (1) and the spaces between such letters and figures shall be as follows:

(a) Height of figures and letters: 4 cm.
(b) Width of figures and letters: 2 cm.

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WOORDOMSKRYWING

1. In hierdie regulasies, tensy uit die samehang anders blyk, het enige uitdrukking waaraan daar in die Wet 'n betekenis toegeken is, wanneer dit in hierdie regulasies gebruik word, die betekenis wat aldus daaraan toegeken is, en beteken—

(i) "die Wet" die Wet op Padvervoer, 1977 (Wet 74 van 1977);

(ii) "transportjaar" die tydperk 1 Julie in een jaar tot 30 Junie van die daaropvolgende jaar.

WYSE WAAROP SEKERE VORMS VAN VRYGESTELDE PADVERVOER ONDERNEEM MAG WORD

2. (1) Wanneer—

(a) 'n hotel sy eie gaste en hul persoonlike besittings ooreenkomstig artikel 1 (2) (j) van die Wet vervoer;

(b) 'n gedesentraliseerde nywerheid sy eie goedere ooreenkomstig artikel 1 (2) (v) van die Wet vervoer;

(c) iemand ooreenkomstig artikel 1 (2) (w) van die Wet goedere binne die grense van 'n vrygestelde gebied vervoer;

(d) 'n karweier ooreenkomstig artikel 1 (2) (x) van die Wet goedere vervoer; of

(e) 'n persoon wat 'n bedryf uitoefen of handel of besigheid dryf sy eie goedere ooreenkomstig artikel 1 (2) (y) van die Wet vervoer;

moet die volgende gegewens as identifikasie op albei sykante van die motorvoertuig wat aldus gebruik word, geverf wees in 'n kleur wat duidelik afsteek teen die agtergrond waarop dit geverf is:

(i) Die volledige geregistreerde of handelsnaam van sodanige hotel of gedesentraliseerde nywerheid of die naam van sodanige persoon, sodanige karweier of sodanige persoon wat bedoelde bedryf uitoefen of handel of besigheid dryf, na gelang van die geval;

(ii) die volledige besigheidsadres (nie posadres nie) van sodanige hotel of gedesentraliseerde nywerheid of van die bedoelde persoon, karweier of persoon wat bedoelde bedryf uitoefen of handel of besigheid dryf, na gelang van die geval;

(iii) in die geval van die nywerheid, karweier of persoon bedoel in subregulasie (1) (b), (d) en (e), die aard van die besigheid.

(2) Alle letters en syfers wat gebruik word by die verf van die gegewens soos in subregulasie (1) bepaal, moet die volgende minimum afmetings en die volgende spasies tussen hulle hê:

(a) Hoogte van syfers en letters: 4 cm.
(b) Wydte van syfers en letters: 2 cm.

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(c) Breadth of stroke of figures and letters: 5 mm.

(d) Space between successive figures or letters: 5 mm.

(e) Space between words on the same line: 1,5 cm.

(3) In the case of the conveyance contemplated by subregulation (1) (b), the decentralised industry shall transmit the following information and documents by registered post to the commission before any such conveyance may be undertaken:

(a) The full business and postal address of such industry;

(b) the full registered name or style of the industry;

(c) a description of the decentralised industrial area within which that industry is situated; and

(d) a copy or photocopy of the registration certificate of the goods vehicle to be used, such copy or photocopy to be certified by a Commissioner of Oaths as being a true copy.

(4) (a) In the event of any change in the information furnished by the decentralised industry in terms of subregulation (3) (a) and (b) the commission shall, not later than seven days after such change, be notified by registered post of its occurrence.

(b) If the goods vehicle in use is replaced, the commission shall, before the replacement vehicle is put into service, be furnished with a copy or photocopy, certified by a Commissioner of Oaths as being a true copy, of the registration certificate of the replacement vehicle.

PUBLIC PERMITS

APPLICATION FOR OR PERTAINING TO A PUBLIC PERMIT

3. (1) An application for the grant or for the renewal, amendment or transfer of a public permit shall be lodged with the commission or a competent board on the appropriate form prescribed by the commission and shall be accompanied by the fees prescribed by regulation 18 (1), and a clear answer shall be furnished to each question relating to the application.

(2) No application for the grant or for the renewal, amendment or transfer of a public permit shall be considered by the commission or a competent board unless and until the applicant has fully complied with the requirements of subregulation (1).

(3) If an application for the amendment of a public permit is granted, the commission or a competent board shall issue a new permit, and the applicant shall, not later than 10 days after the issue of the new permit, return the replaced permit by hand or by registered post to the commission or competent board, as the case may be.

(4) If an application for the transfer of a public permit is granted, the commission or a competent board shall issue a new permit to the applicant and shall at the same time notify the holder that the application for transfer has been granted and require him to return the replaced permit by hand or by registered post to the commission or competent board, as the case may be, not later than 10 days after the date of the notification.

(5) A public permit granted, renewed, amended or transferred by the commission or a board in terms of the provisions of the Act shall be issued on the form prescribed by the commission, together with the distinguishing mark similarly prescribed: Provided that the commission or a board shall not issue any permit unless and until the appropriate fees prescribed by regulation 18 (3) have been paid by the applicant whose application for or pertaining to a public permit has been granted.

(c) Breedte van streep van syfers en letters: 5 mm.

(d) Spasie tussen opeenvolgende syfers of letters: 5 mm.

(e) Spasie tussen woorde in dieselfde reël: 1,5 cm.

(3) In die geval van vervoer bedoel in subregulasie (1) (b), moet die gedesentraliseerde nywerheid die volgende inligting en stukke per aangetekende pos aan die kommissie stuur alvorens enige sodanige vervoer onderneem kan word:

(a) Die volledige besigheids- en posadres van die sodanige nywerheid;

(b) die volledige geregistreerde of handelsnaam van die nywerheid;

(c) 'n beskrywing van die gedesentraliseerde nywerheidsgebied waarbinne daardie nywerheid geleë is; en

(d) 'n afskrif of fotokopie van die registrasiesertifikaat van die vragvoertuig wat gebruik gaan word, welke afskrif of fotokopie deur 'n Kommissaris van Ede as 'n ware afskrif of fotokopie gewaarmerk is.

(4) (a) Indien die inligting wat die gedesentraliseerde nywerheid ingevolge subregulasie (3) (a) en (b) verstrek het, verander, moet die kommissie binne sewe dae na sodanige verandering per aangetekende pos van die verandering in kennis gestel word.

(b) Indien die vragvoertuig in gebruik vervang word, moet 'n afskrif of fotokopie van die registrasiesertifikaat van die vervangende vragvoertuig aan die kommissie verskaf word voordat daardie voertuig in diens gestel word, welke afskrif of fotokopie deur 'n Kommissaris van Ede as 'n ware afskrif of fotokopie gewaarmerk is.

OPENBARE PERMITTE

AANSOEK OM OF TEN OPSIGTE VAN 'N OPENBARE PERMIT

3. (1) 'n Aansoek om die toestaan of om die hernuwing, wysiging of oordrag van 'n openbare permit moet op die toepaslike vorm wat deur die kommissie voorgeskryf word, tesame met die gelde voorgeskryf by regulasie 18 (1), by die kommissie of bevoegde raad ingedien word, en 'n duidelike antwoord moet verstrek word op elke vraag wat op die aansoek betrekking het.

(2) Geen aansoek om die toestaan of om die hernuwing, wysiging of oordrag van 'n openbare permit word deur die kommissie of bevoegde raad oorweeg alvorens die aansoeker volledig aan die vereistes van subregulasie (1) voldoen het nie.

(3) Indien 'n aansoek om die wysiging van 'n openbare permit toegestaan word, moet die kommissie of bevoegde raad 'n nuwe permit uitreik, en die aansoeker moet binne 10 dae nadat die nuwe permit uitgereik is, die vervange permit òf per hand òf per aangetekende pos terugstuur aan die kommissie of bevoegde raad, na gelang van die geval.

(4) Indien 'n aansoek om die oordrag van 'n openbare permit toegestaan word, moet die kommissie of bevoegde raad 'n nuwe permit aan die aansoeker uitreik en die houer terselfdertyd in kennis stel dat die aansoek om oordrag toegestaan is, en hom aansê om binne 10 dae na die datum van die kennisgewing die vervange permit òf per hand òf per aangetekende pos terug te stuur aan die kommissie of bevoegde raad, na gelang van die geval.

(5) 'n Openbare permit wat ooreenkomstig die bepalings van die Wet deur die kommissie of 'n raad toegestaan, hernieu, gewysig of oorgedra is, moet op die vorm soos deur die kommissie voorgeskryf, tesame met die onderskeidingsteken insgelyks voorgeskryf, uitgereik word: Met dien verstande dat die kommissie of 'n raad geen permit uitreik alvorens die aansoeker wie se aansoek om of ten opsigte van 'n openbare permit toegestaan is, die toepaslike gelde soos by regulasie 18 (3) voorgeskryf, betaal het nie.

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REPRESENTATIONS CONCERNING PUBLIC PERMITS

4. (1) Whenever—

(a) an interested party wishes to make representations in terms of section 14 (2) of the Act;

(b) a municipal council, city council or town council wishes to make representations in terms of section 14 (3) of the Act;

(c) the Railways Administration wishes to furnish information in terms of section 14 (4) of the Act; or

(d) a local authority wishes to make representations in terms of the proviso to section 21 (5) of the Act;

such representations or information, which shall be in writing, shall be delivered by hand or sent by registered post to the commission or board, as the case may be, not later than 10 days after the date on which details of the application were published in the *Gazette* under section 14 (1) of the Act.

(2) Representations made in terms of section 14 (2) shall, in the case of an application published by the commission, be lodged in quindecuplicate and, in the case of an application published by a board, in quadruplicate.

(3) Representations in terms of section 14 (2) of the Act by the Railways Administration or by a holder of a permit objecting to an application shall contain full particulars of the Railways Administration's or of such holder's existing transport facilities in the area within which or on the route on which or between the points between which the applicant proposes undertaking transportation.

(4) A local authority wishing to make representations in terms of section 25 (2) (c) of the Act shall, not later than 21 days after being requested thereto by the commission or the board concerned, deliver such representations, in writing, by hand or send them by registered post to the commission or the board concerned, as the case may be.

CERTIFICATE OF FITNESS

5. A certificate of fitness referred to in section 21 (2) (b) of the Act relating to each motor vehicle in respect of which a public permit has been granted, or a copy or photocopy of such certificate of fitness, certified by a Commissioner of Oaths as being a true copy, shall, not later than 21 days after the applicant has been notified of the grant of such public permit, be lodged by hand or by registered post with the commission or the board concerned, the date of issue of the certificate of fitness thus lodged to be not earlier than 180 days from the date on which the permit in question was granted: Provided that the commission or a competent board, as the case may be, may at the request of the applicant in any particular case extend the period within which the certificate of fitness is to be lodged.

CONTROLLING INTEREST

6. Any person wishing to acquire a controlling interest in a company after a public permit has been granted or issued to such company shall apply in terms of section 29 (3) (a) of the Act to the commission or a competent board, on the form prescribed by the commission, for approval of the acquisition of such a controlling interest.

PRIVATE PERMITS

APPLICATION FOR OR PERTAINING TO A PRIVATE PERMIT

7. (1) An application for the grant or for the renewal or amendment of a private permit shall be lodged with the commission or a competent board on the appropriate form prescribed by the commission and shall be accompanied by the fee prescribed by regulation 18 (1), and a clear answer shall be furnished to every question relating to the application.

VERTOË TEN OPSIGTE VAN OPENBARE PERMITTE

4. (1) Wanneer—

(a) 'n belanghebbende ingevolge artikel 14 (2) van die Wet vertoë wil rig;

(b) 'n munisipale raad of stadsraad ingevolge artikel 14 (3) van die Wet vertoë wil rig;

(c) die Spoorwegadministrasie ingevolge artikel 14 (4) van die Wet inligting wil verstrek; of

(d) 'n plaaslike bestuur ingevolge die voorbehoudsbepaling by artikel 21 (5) van die Wet vertoë wil rig;

moet sodanige vertoë of inligting binne 10 dae vanaf die datum waarop besonderhede van die aansoek ingevolge artikel 14 (1) van die Wet in die *Staatskoerant* gepubliseer is, skriftelik per hand besorg of per aangetekende pos gestuur word aan die kommissie of raad, na gelang van die geval.

(2) Vertoë wat kragtens artikel 14 (2) gerig word, moet in die geval van 'n aansoek deur die kommissie gepubliseer, in vyftienvoud, en in die geval van 'n aansoek deur 'n raad gepubliseer, in viervoud ingedien word.

(3) Vertoë ingevolge artikel 14 (2) van die Wet deur die Spoorwegadministrasie of deur 'n houer van 'n permit ter bestryding van 'n aansoek, moet volledige besonderhede bevat van die Spoorwegadministrasie of die betrokke houer se bestaande vervoergeriewe in die gebied, langs die roete of tussen die punte waarin of waarop of waartussen die aansoeker voornemens is om vervoer te onderneem.

(4) Wanneer 'n plaaslike bestuur ingevolge artikel 25 (2) (c) van die Wet vertoë wil rig, moet sodanige vertoë skriftelik binne 21 dae nadat daardie plaaslike bestuur deur die kommissie of die betrokke raad daartoe versoek is, per hand besorg of per aangetekende pos gestuur word aan die kommissie of die betrokke raad, na gelang van die geval.

SERTIFIKAAT VAN GESKIKTHEID

5. 'n Sertifikaat van geskiktheid bedoel in artikel 21 (2) (b) van die Wet ten opsigte van elke motorvoertuig waarvoor 'n openbare permit toegestaan is, òf 'n afskrif òf fotokopie van so 'n sertifikaat van geskiktheid wat deur 'n Kommissaris van Ede as 'n ware afskrif of fotokopie gewaarmerk is, moet binne 21 dae nadat die aansoeker verwittig is dat 'n openbare permit toegestaan is, per hand of per aangetekende pos aan die kommissie of betrokke raad oorgelê word, die uitreikingsdatum van welke sertifikaat van geskiktheid wat aldus oorgelê word nie vroeër moet wees nie as 180 dae vanaf die datum waarop die betrokke permit toegestaan is: Met dien verstande dat die kommissie of bevoegde raad, na gelang van die geval, op versoek van die aansoeker, in 'n bepaalde geval die tydperk waarin die sertifikaat van geskiktheid oorgelê moet word, kan verleng.

BEHERENDE BELANG

6. Iemand wat 'n beherende belang in 'n maatskappy wil verkry nadat 'n openbare permit aan sodanige maatskappy toegestaan of uitgereik is, moet ingevolge artikel 29 (3) (a) van die Wet by die kommissie of bevoegde raad aansoek doen om goedkeuring vir die verkryging van so 'n beherende belang op die vorm wat deur die kommissie voorgeskryf word.

PRIVAATPERMITTE

AANSOEK OM OF TEN OPSIGTE VAN 'N PRIVAATPERMIT

7. (1) 'n Aansoek om die toestaan of om die hernuwing of wysiging van 'n privaatpermit moet op die toepaslike vorm wat deur die kommissie voorgeskryf word, tesame met die gelde voorgeskryf by regulasie 18 (1), by die kommissie of bevoegde raad ingedien word, en 'n duidelike antwoord moet verstrek word op elke vraag wat op die aansoek betrekking het.

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(2) No application for the grant or for the renewal or amendment of a private permit shall be considered by the commission or a competent board unless and until the applicant has fully complied with the requirements of subregulation (1).

(3) Upon the grant of an application for the amendment of a private permit, the commission or competent board shall issue a new permit, and the applicant shall, not later than 10 days after the issue of the new permit, return the replaced permit by hand or by registered post to the commission or competent board, as the case may be.

(4) A private permit granted, renewed or amended by the commission or a board in terms of the provisions of the Act shall be issued on the form prescribed by the commission, together with the distinguishing mark similarly prescribed: Provided that the commission or a board shall not issue any permit unless and until the appropriate fees prescribed by regulation 18 (3) have been paid by the applicant whose application for or pertaining to a private permit has been granted.

(5) The commission or a competent board may require that—

(a) a private permit that has lapsed in terms of section 29 (2) (a) of the Act be lodged with it by hand or by registered post not later than 10 days from the date of its lapsing; or

(b) if the authority conferred by a private permit in regard to the place or places where the industry, trade or business may be carried on has lapsed in terms of section 29 (2) (b) of the Act, such permit be produced to it, not later than 10 days from the date of lapse of such authority, by hand or by registered post for amendment.

REPRESENTATIONS CONCERNING PRIVATE PERMITS

8. Any interested party may at any time prior to the consideration by the commission or a competent board of an application for or pertaining to a private permit—

(a) in terms of section 18 (2) (a) of the Act inspect and copy the relevant application form and any other document lodged therewith;

(b) in terms of section 18 (2) (b) of the Act lodge with the commission or with the board concerned, by hand or by registered post, written representations objecting to or in support of such application.

TEMPORARY PERMITS

APPLICATION FOR AND ISSUE OF TEMPORARY PERMIT

9. (1) An application for the grant of a temporary permit shall be lodged with the commission or a competent board on the form prescribed by the commission and shall be accompanied by the fee prescribed by regulation 18 (1), and a clear reply shall be furnished to every question relating to the application.

(2) No application for the grant of a temporary permit shall be considered by the commission or a competent board unless and until the applicant has complied with the requirements of subregulation (1).

(3) A temporary permit granted by the commission or a board in terms of the provisions of the Act shall be issued on the form prescribed by the commission: Provided that the commission or a board shall not issue any permit unless and until the appropriate fees prescribed by regulation 18 (3) have been paid by the applicant whose application for a temporary permit has been granted.

(4) The powers, duties and functions of the commission or of a competent board under section 20 of the Act

(2) Geen aansoek om die toestaan of om die hernuwing of wysiging van 'n privaatpermit word deur die kommissie of bevoegde raad oorweeg alvorens die aansoeker volledig aan die vereistes van subregulasie (1) voldoen het nie.

(3) Indien 'n aansoek om die wysiging van 'n privaatpermit toegestaan word, moet die kommissie of bevoegde raad 'n nuwe permit uitreik, en die aansoeker moet binne 10 dae nadat die nuwe permit uitgereik is, die vervange permit òf per hand òf per aangetekende pos terugstuur aan die kommissie of bevoegde raad, na gelang van die geval.

(4) 'n Privaatpermit wat ooreenkomstig die bepalings van die Wet deur die kommissie of 'n raad toegestaan, hernieu of gewysig is, moet op die vorm soos deur die kommissie voorgeskryf, tesame met die onderskeidingsteken insgelyks voorgeskryf, uitgereik word: Met dien verstande dat die kommissie of 'n raad geen permit uitreik alvorens die aansoeker wie se aansoek om of ten opsigte van 'n privaatpermit toegestaan is, die toepaslike gelde soos by regulasie 18 (3) voorgeskryf, betaal het nie.

(5) Die kommissie of bevoegde raad kan eis dat—

(a) 'n privaatpermit wat ingevolge artikel 29 (2) (a) van die Wet verval het, binne 10 dae vanaf die datum waarop so 'n permit verval het, òf per hand òf per aangetekende pos by hom ingelewer word; of

(b) 'n privaatpermit waarvan die magtiging met betrekking tot die plek of plekke waar die bedryf, handel of besigheid uitgeoefen of gedryf kan word, ingevolge artikel 29 (2) (b) van die Wet verval het, binne 10 dae vanaf die datum waarop die betrokke magtiging verval het, òf per hand òf per aangetekende pos vir wysiging aan hom oorgelê word.

VERTOË TEN OPSIGTE VAN PRIVAATPERMITTE

8. 'n Belanghebbende kan te eniger tyd voordat 'n aansoek om of ten opsigte van 'n privaatpermit deur die kommissie of bevoegde raad oorweeg word—

(a) ingevolge artikel 18 (2) (a) van die Wet die betrokke aansoekvorm en enige ander stuk wat saam daarmee ingedien is, insien en afskrifte daarvan maak;

(b) ingevolge artikel 18 (2) (b) van die Wet skriftelike vertoë ter bestryding of ondersteuning van sodanige aansoek òf per hand òf per aangetekende pos tot die kommissie of betrokke raad rig.

TYDELIKE PERMITTE

AANSOEK OM EN UITREIKING VAN TYDELIKE PERMIT

9. (1) 'n Aansoek om die toestaan van 'n tydelike permit moet op die vorm wat deur die kommissie voorgeskryf word, tesame met die gelde voorgeskryf by regulasie 18 (1), by die kommissie of bevoegde raad ingedien word, en 'n duidelike antwoord moet verstrek word op elke vraag wat op die aansoek betrekking het.

(2) Geen aansoek om die toestaan van 'n tydelike permit word deur die kommissie of bevoegde raad oorweeg alvorens die aansoeker volledig aan die vereistes van subregulasie (1) voldoen het nie.

(3) 'n Tydelike permit wat ooreenkomstig die bepalings van die Wet deur die kommissie of raad toegestaan is, moet op die vorm soos deur die kommissie voorgeskryf, uitgereik word: Met dien verstande dat die kommissie of 'n raad geen permit uitreik alvorens die aansoeker wie se aansoek om 'n tydelike permit toegestaan is, die toepaslike gelde soos by regulasie 18 (3) voorgeskryf, betaal het nie.

(4) Die bevoegdhede, pligte en werksaamhede van die kommissie of 'n bevoegde raad kragtens artikel 20 van

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may be exercised or performed on its behalf by its chairman or by one of its members nominated for that purpose by its chairman in regard to all categories of applications for temporary permits which the commission or competent board is empowered to consider and to dispose of.

APPEALS

10. (1) An appeal in terms of section 8 of the Act shall—

(a) clearly and fully set forth the act, direction or decision forming the subject of such appeal;

(b) specify the board whose act, direction or decision forms the subject of such appeal, and the date of such act, direction or decision;

(c) clearly set forth the grounds of appeal;

(d) elaborate on the grounds of appeal;

(e) be in writing and be lodged by hand or by registered post in quindecuplicate with the commission and in duplicate with the board concerned; and

(f) be accompanied by the fee prescribed by regulation 18 (4).

(2) A board against whose act, direction or decision an appeal has been lodged shall, not later than 21 days after being requested thereto by the commission, forward to the commission copies of all documents relating to the appeal and the written reasons for its act, direction or decision appealed against: Provided that the commission may in any particular case extend the period of 21 days at the request of the board concerned.

(3) If an application for the suspension of the operation of an act, direction or decision of a board is granted in terms of section 8 (3) (b) of the Act after a permit has been issued in pursuance of such act, direction or decision, the commission or competent board may demand of the holder of such permit that he forthwith lodge the same by hand or by registered post with the commission or board, and the holder shall thereupon be obliged to lodge such permit forthwith by hand or by registered post with the commission or the competent board.

(4) Subject to the provisions of section 9 of the Act, the commission, in considering an appeal in terms of section 8 (2) of the Act, shall take cognisance of all the information contained in the documents submitted to it by the appellant and the board concerned in terms of this regulation, and the commission may, at its discretion—

(a) inspect any place or object relating to the appeal;

(b) direct the board against whose decision the appeal has been brought to collect information on any matter arising from the appeal and to submit such information to the commission, or to specify the reasons for such decision in greater detail.

(5) The commission shall convey its decision in writing to the appellant and to any party who, in the commission's view, is affected by such decision.

PROCEDURE

NOTICE TO WITNESSES

11. Any notice given in terms of section 9 (1) (b) of the Act shall be in the form prescribed in Schedule 1, and an inspector shall personally hand such notice to the person to whom it applies, and such inspector shall thereupon report to the commission or board, as the case may be.

die Wet, kan namens hom deur sy voorsitter of deur die een of ander van sy lede vir dié doel deur sy voorsitter benoem, uitgeoefen of verrig word ten opsigte van alle kategorieë van aansoeke om tydelike permitte wat die kommissie of bevoegde raad by magte is om te oorweeg en af te handel.

APPÈLLE

10. (1) 'n Appèl ingevolge artikel 8 van die Wet moet—

(a) die handeling, opdrag of beslissing waarteen geappelleer word duidelik en volledig uiteengesit;

(b) die raad teen wie se handeling, opdrag of beslissing geappelleer word, en die datum van sodanige handeling, opdrag of beslissing, vermeld;

(c) die gronde vir die appèl duidelik uiteengesit;

(d) breedvoerig ingaan op die gronde vir die appèl;

(e) skriftelik in vyftienvoud aan die kommissie en in tweevoud aan die betrokke raad per hand of per aangetekende pos gerig word; en

(f) vergesel gaan van die gelde by regulasie 18 (4) voorgeskryf.

(2) 'n Raad teen wie se handeling, opdrag of beslissing geappelleer word, moet nie later nie as 21 dae nadat hy daartoe deur die kommissie versoek is, afskrifte van alle stukke wat op die appèl betrekking het asook die redes vir sy handeling, opdrag of beslissing waarteen geappelleer word skriftelik aan die kommissie stuur: Met dien verstande dat die kommissie op versoek van die betrokke raad in 'n bepaalde geval die tydperk van 21 dae kan verleng.

(3) Wanneer 'n aansoek om die opskorting van die werking van 'n handeling, opdrag of beslissing van 'n raad ingevolge artikel 8 (3) (b) van die Wet toegestaan word, en 'n permit reeds ooreenkomstig sodanige handeling, opdrag of beslissing uitgereik is, kan die kommissie of bevoegde raad eis dat die houer van sodanige permit dit onverwyld per hand of per aangetekende pos by hom inlewer, en die houer is dan verplig om die betrokke permit onmiddellik per hand of per aangetekende pos by die kommissie of bevoegde raad in te lewer.

(4) Behoudens die bepalings van artikel 9 van die Wet, moet die kommissie, wanneer 'n appèl ingevolge artikel 8 (2) van die Wet oorweeg word, al die inligting vervat in die stukke deur die appellant en die betrokke raad ingevolge hierdie regulasie aan hom voorgelê, in aanmerking neem, en kan die kommissie, na goeddunke—

(a) enige plek of voorwerp wat op die appèl betrekking het, besigtig;

(b) die raad teen wie se beslissing geappelleer word, opdrag gee om inligting oor 'n aangeleentheid wat uit die appèl voortspruit, in te win en aan hom oor te lê, of om die redes vir die betrokke beslissing breedvoeriger uiteen te sit.

(5) Die kommissie moet sy beslissing skriftelik bekendmaak aan die appellant en aan enigiemand wat volgens die oordeel van die kommissie deur daardie beslissing geraak word.

PROSEDURE

KENNISGEWING AAN GETUIES

11. 'n Kennisgewing wat ingevolge artikel 9 (1) (b) van die Wet uitgereik word, moet in die vorm wees wat in Bylae 1 voorgeskryf word, en moet persoonlik deur 'n inspekteur oorhandig word aan die persoon op wie die kennisgewing van toepassing is, en die betrokke inspekteur doen daarna verslag aan die kommissie of raad, na gelang van die geval.

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DECISION OF COMMISSION OR BOARD

12. The commission or board shall convey its decision concerning every application for or pertaining to a permit in writing to every party having an interest in such application: Provided that such decision may be conveyed orally in the case of an application for a temporary permit.

DISTINGUISHING MARKS

13. The holder of a permit to whom a distinguishing mark has been issued shall—

(a) maintain such distinguishing mark in such a condition that all letters and figures on it are clearly legible and, if such distinguishing mark is damaged, lost or not clearly legible, apply for a duplicate in the manner prescribed by regulation 15;

(b) in the case of a bus, motor vehicle or goods vehicle, other than a trailer, affix such distinguishing mark with its inscribed side facing to the front in a conspicuous place on the inside of the windscreen of the bus, motor vehicle or goods vehicle to which it relates, and keep it thus affixed; and

(c) in the case of a trailer, affix such distinguishing mark with its inscribed side facing outwards on a conspicuous place on one of the sides of the trailer to which it relates and keep it thus affixed.

DISCONTINUATION OF ROAD TRANSPORTATION

14. (1) The holder of a public permit by which authority is conferred for the conveyance of persons shall not discontinue such conveyance or any part thereof unless he shall have advised the commission or a competent board, at least 30 days before such discontinuation, by written notice delivered by hand or by registered post of his intention to discontinue such conveyance: Provided that the commission or a competent board may authorise the holder to discontinue such conveyance within a shorter period of time.

(2) If so directed by the commission or a competent board, the holder of a public permit shall—

(a) in any case where the conveyance referred to in subregulation (1) is discontinued in its entirety, return the permit, not later than 10 days from the date of discontinuation of the conveyance, by hand or by registered post to the commission of the competent board, as the case may be;

(b) in any case where the conveyance referred to in subregulation (1) is discontinued in part, submit the permit, not later than 10 days after the date on which such part of the conveyance is discontinued, by hand or by registered post to the commission or the competent board, as the case may be, for amendment.

(3) If the holder of a permit referred to in subregulation (1) temporarily suspends such conveyance, he shall—

(a) not later than 48 hours after the suspension of such conveyance; and

(b) not later than 48 hours after the resumption of such conveyance;

advise the commission or competent board thereof by written notice, delivered by hand or by registered post: Provided that the notice of any suspension referred to in paragraph (a) shall contain detailed reasons for such suspension.

DUPLICATE

15. If the holder of a permit satisfies the commission or a competent board by affidavit that such permit has been lost or destroyed, or produces a permit that has been so damaged that the letters and figures are no longer clearly legible, the commission or a competent board

BESLISSING VAN KOMMISSIE OF RAAD

12. Die kommissie of raad verstrek sy beslissing met betrekking tot elke aansoek om of ten opsigte van 'n permit, skriftelik aan elke belanghebbende by so 'n aansoek: Met dien verstande dat in die geval van 'n aansoek om 'n tydelike permit, die beslissing mondeling verstrek kan word.

ONDERSKEIDINGSTEKENS

13. Die houer van 'n permit aan wie 'n onderskeidingsteken uitgereik is, moet—

(a) die onderskeidingsteken in so 'n toestand hou dat alle letters en syfers daarop duidelik leesbaar is en moet, as die onderskeidingsteken beskadig word, verlore raak of nie duidelik leesbaar is nie, 'n duplikaat aanvra op die wyse by regulasie 15 voorgeskryf;

(b) in die geval van 'n bus, motor of vragvoertuig, uitgesonderd 'n sleepwa, die onderskeidingsteken met die beskrewe kant na vore op 'n opvallende plek aan die binnekant van die voorruit van die bus, motor of vragvoertuig waarop dit betrekking het, aanheg en aangeheg hou; en

(c) in die geval van 'n sleepwa, die onderskeidingsteken met die beskrewe kant na buite op 'n opvallende plek aan een van die sykante van die sleepwa waarop dit betrekking het, aanheg en aangeheg hou.

STAKING VAN PADVERVOER

14. (1) Die houer van 'n openbare permit waarin magtiging verleen word vir die vervoer van persone, mag nie daardie vervoer of 'n deel van daardie vervoer staak nie, tensy hy die kommissie of bevoegde raad minstens 30 dae voor sodanige staking skriftelik òf per hand òf per aangetekende pos in kennis stel van sy voorneme om sodanige vervoer te staak: Met dien verstande dat die kommissie of bevoegde raad die houer kan magtig om die vervoer binne 'n korter tydperk te staak.

(2) Die houer van 'n openbare permit moet, wanneer daartoe deur die kommissie of bevoegde raad gelas—

(a) in die geval waar die vervoer in subregulasie (1) bedoel, in die geheel gestaak word, die permit binne 10 dae vanaf die datum waarop die vervoer gestaak is, per hand of per aangetekende pos terugstuur aan die kommissie of bevoegde raad, na gelang van die geval;

(b) in die geval waar 'n deel van die vervoer in subregulasie (1) bedoel gestaak word, die permit binne 10 dae vanaf die datum waarop die betrokke deel van die vervoer gestaak is, per hand of per aangetekende pos aan die kommissie of bevoegde raad, na gelang van die geval, oorlê vir wysiging.

(3) As die houer van 'n permit soos in subregulasie (1) bedoel, daardie vervoer tydelik staak, moet hy die kommissie of bevoegde raad—

(a) binne 48 uur nadat sodanige vervoer gestaak is; en

(b) binne 48 uur nadat sodanige vervoer hervat is;

skriftelik òf per hand òf per aangetekende pos daarvan in kennis stel: Met dien verstande dat die kennisgewing van enige staking van vervoer bedoel in paragraaf (a) volledige redes vir die staking moet bevat.

DUPLIKAAT

15. As die houer van 'n permit die kommissie of bevoegde raad by wyse van 'n beëdigde verklaring tevrede stel dat sodanige permit verlore geraak het of vernietig is, of by oorlegging van 'n permit wat sodanig beskadig is dat die letters en syfers nie meer duidelik leesbaar is nie, moet die kommissie of bevoegde raad op aansoek

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shall, upon application by such holder and upon payment of the amount prescribed by regulation 18 (3) (iv), issue him with a duplicate permit, clearly endorsed "duplicate".

ISSUE FREE OF CHARGE

16. The commission or a competent board may, without charge, issue a permit—

(a) in substitution of a permit that has been amended in terms of section 25 (1) (c) or section 26 (1) (b) of the Act in regard to any condition, requirement or authority contained therein as the case may be;

(b) in substitution of any permit that has been amended by virtue of an amendment of this Act or of these regulations;

(c) in substitution of any permit that has been amended by virtue of any alteration, in terms of any legislation governing the licensing and registration of motor vehicles in force in the province concerned, of the boundaries of a registration district or area or by virtue of the allocation, in terms of such legislation aforesaid, of new registration letters or numbers to a registration district or area by the responsible authority;

(d) in substitution of any permit that requires to be amended by virtue of a mistake made by an employee of the State in the course of his duties in issuing such permit or made by an employee of the authority responsible for the licensing and registration of motor vehicles in terms of any legislation governing the licensing or registration of motor vehicles in force in the province concerned in the course of his duties in issuing licensing or registration documents relating to the motor vehicle concerned;

(e) in substitution of two or more permits issued in respect of the same motor vehicle by a single permit;

(f) in substitution of a certificate or exemption referred to in section 48 (1) (b) of the Act, the validity of which has been terminated by a notice under section 48 (2) of the Act, or that has been withdrawn by a notice under section 48 (3) of the Act.

CHANGE OF ADDRESS

17. If the holder of a public permit changes his address during the currency of such permit, he shall, not later than 10 days after such change of address, by written notice, delivered by hand or by registered post, notify the commission or competent board, as the case may be, of his new address.

FEES

18. (1) Any person who, in terms of the Act, lodges an application for or pertaining to a permit with the commission or a board shall with his application pay the amount of R10 to the commission or board, as the case may be, which amount shall be forfeited irrespective of whether the application is granted or refused.

(2) Upon the grant of an application for or pertaining to a permit, the appropriate amount prescribed in subregulation (3) shall be payable prior to the issue of such permit.

(3) The following fees shall be payable prior to the issue of a permit:

Temporary permit

R5 per motor vehicle for each day upon which the permit is valid.

Public permit or private permit

(i) R100 per motor vehicle for the first issue of a permit or the renewal thereof for an indefinite period;

van sodanige houer en by betaling van die bedrag in regulasie 18 (3) (iv) voorgeskryf, 'n duplikaatpermit, met die woord "duplikaat" duidelik daarop aangebring, aan hom uitreik.

KOSTELOSE UITREIKING

16. Die kommissie of bevoegde raad kan 'n permit kosteloos uitreik—

(a) ter vervanging van 'n permit ten opsigte waarvan 'n voorwaarde, vereiste of magtiging, na gelang van die geval, ingevolge artikel 25 (1) (c) of artikel 26 (1) (b) van die Wet gewysig is;

(b) ter vervanging van 'n permit wat gewysig is uit hoofde van 'n wysiging van die Wet of hierdie regulasies;

(c) ter vervanging van 'n permit wat gewysig is uit hoofde van 'n verandering, ingevolge wetgewing betreffende die lisensiëring en registrasie van motorvoertuie wat in die betrokke provinsie geld, van die grense van 'n registrasiedistrik of -gebied, of uit hoofde van die toewysing, ingevolge gemelde wetgewing, deur die verantwoordelike gesag van nuwe registrasieletters of -syfers aan 'n registrasiedistrik of -gebied;

(d) ter vervanging van 'n permit wat gewysig moet word uit hoofde van 'n fout wat 'n werknemer van die Staat in die loop van sy werk begaan het toe hy sodanige permit uitgereik het, of wat 'n werknemer van die gesag verantwoordelik vir die lisensiëring en registrasie van motorvoertuie ingevolge wetgewing betreffende die lisensiëring of registrasie van motorvoertuie wat in die betrokke provinsie geld, in die loop van sy werk begaan het toe hy lisensiërings- of registrasiedokumente ten opsigte van die betrokke motorvoertuig uitgereik het;

(e) ter vervanging van twee of meer permitte wat ten opsigte van dieselfde motorvoertuig uitgereik is, deur een enkele permit;

(f) ter vervanging van 'n sertifikaat of vrystelling in artikel 48 (1) (b) van die Wet bedoel, waarvan die geldigheid by kennisgewing kragtens artikel 48 (2) van die Wet beëindig is of wat by kennisgewing kragtens artikel 48 (3) van die Wet ingetrek is.

ADRESVERANDERING

17. Indien die houer van 'n openbare permit gedurende die geldigheidsduur daarvan van adres verander, moet hy binne 10 dae na sodanige verandering van adres die kommissie of bevoegde raad, na gelang van die geval, skriftelik òf per hand òf per aangetekende pos van sy nuwe adres in kennis stel.

GELDE

18. (1) Iemand wat ingevolge die Wet 'n aansoek om of ten opsigte van 'n permit by die kommissie of 'n raad indien, moet saam met sy aansoek die bedrag van R10 by die kommissie of raad, na gelang van die geval, betaal, welke bedrag verbeur word ongeag of die aansoek toegestaan of geweier word.

(2) Indien 'n aansoek om of ten opsigte van 'n permit toegestaan word, is die toepaslike bedrag voorgeskryf in subregulasie (3) betaalbaar voordat die betrokke permit uitgereik word.

(3) Onderstaande gelde is betaalbaar voordat 'n permit uitgereik word:

Tydelike permit

R5 per motorvoertuig vir elke dag waarop die permit geldig is.

Openbare permit of privaatpermit

(i) R100 per motorvoertuig ten opsigte van die eerste uitreiking van 'n permit of die hernuwing daarvan vir 'n onbepaalde tydperk;

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(ii) R10 per motor vehicle for each transport year or part thereof if the commission or a board should decide to issue or renew a permit for a specified period;

(iii) R10 per permit in the case of a transfer or amendment;

(iv) R10 per duplicate permit;

(v) 50 c per motor vehicle for the amendment of the time-table or tariff of charges set forth in that permit.

(4) Any person appealing in terms of section 8 of the Act against an act, direction or decision of a board shall, with his appeal, deposit the amount of R100 with the commission.

(5) If—

(a) the commission rejects an appeal in terms of section 8 (2) (a) of the Act, the full amount specified in subregulation (4) shall be forfeited by the appellant;

(b) the commission upholds an appeal in terms of section 8 (2) (b) of the Act, the full amount specified in subregulation (4) shall be refunded to the appellant;

(c) the commission partially upholds an appeal in terms of section 8 (2) (c) of the Act, the full amount specified in subregulation (4) or any part thereof, may be refunded to the appellant at the commission's discretion;

(d) an appeal lodged with the commission in terms of section 8 of the Act is withdrawn by the appellant, the full amount specified in subregulation (4), or any part thereof, may be refunded to the appellant at the commission's discretion;

(e) the chairman or a member of the commission refuses an application for the condonation of the late filing of an appeal in terms of section 8 (3) (a) of the Act, the full amount specified in subregulation (4) shall be refunded to the appellant;

(f) any act, direction or decision of a board against which an appeal is brought is set aside and remitted to the board concerned by the chairman or a member of the commission in terms of section 8 (3) (c) of the Act, the full amount specified in subregulation (4) shall be refunded to the appellant.

(6) Every person required in terms of section 9 (1) (b) of the Act to appear before the commission or a board and to give evidence or to produce any book, plan or other document or object shall be paid such witness fees as are paid to any witness attending or subpoenaed to give evidence in a civil case before a magistrate's court.

INQUIRY AND ARBITRATION

19. (1) Whenever the Minister directs the commission or a member thereof to institute a public inquiry in terms of section 28 (1) of the Act, the notice of such inquiry shall, in terms of section 28 (2) of the Act, specify—

(a) the venue of the inquiry;

(b) the time and date of commencement of the inquiry;

(c) the nature of the inquiry;

(d) if such inquiry is instituted by a member of the commission, the full names of that member.

(2) The notice referred to in subregulation (1) shall be published in one issue of the *Gazette* and in at least one issue of an Afrikaans newspaper and of an English newspaper circulating in the province in which the road transportation concerned is undertaken.

(3) A copy of such notice shall be sent by registered post to every interested party.

(ii) R10 per motorvoertuig vir elke transportjaar of gedeelte daarvan indien die kommissie of 'n raad besluit om 'n permit vir 'n bepaalde tydperk uit te reik of te hernieu;

(iii) R10 per permit in die geval van 'n oordrag of wysiging;

(iv) R10 per duplikaatpermit;

(v) 50c per motorvoertuig vir die wysiging van die tydtafel of vervoertarief wat in daardie permit vermeld word.

(4) Iemand wat ingevolge artikel 8 van die Wet teen 'n handeling, opdrag of beslissing van 'n raad appelleer, moet saam met sy appèl die bedrag van R100 by die kommissie deponeer.

(5) Wanneer—

(a) die kommissie 'n appèl ingevolge artikel 8 (2) (a) van die Wet van die hand wys, word die bedrag voorgeskryf in subregulasie (4) in die geheel deur die appellant verbeur;

(b) die kommissie 'n appèl ingevolge artikel 8 (2) (b) van die Wet handhaaf, word die bedrag voorgeskryf in subregulasie (4) in die geheel aan die appellant terugbetaal;

(c) die kommissie 'n appèl ingevolge artikel 8 (2) (c) van die Wet gedeeltelik handhaaf, kan die bedrag voorgeskryf in subregulasie (4) in die geheel, of enige gedeelte daarvan, na goeddunke van die kommissie, aan die appellant terugbetaal word;

(d) 'n appèl wat ingevolge artikel 8 van die Wet by die kommissie aangeteken is, deur die appellant teruggetrek word, kan die bedrag voorgeskryf in subregulasie (4) in die geheel, of enige gedeelte daarvan, na goeddunke van die kommissie, aan die appellant terugbetaal word;

(e) die voorsitter of 'n lid van die kommissie 'n aansoek om kondonering van die laat indiening van 'n appèl ingevolge artikel 8 (3) (a) van die Wet weier, word die bedrag voorgeskryf in subregulasie (4) in die geheel aan die appellant terugbetaal;

(f) die voorsitter of 'n lid van die kommissie 'n handeling, opdrag of beslissing van 'n raad waarteen geappelleer word, ingevolge artikel 8 (3) (c) van die Wet ter syde stel en die aangeleentheid na die betrokke raad terugverwys, word die bedrag voorgeskryf in subregulasie (4) in die geheel aan die appellant terugbetaal.

(6) Aan elke persoon wat ingevolge artikel 9 (1) (b) van die Wet aangesê is om voor die kommissie of 'n raad te verskyn om getuienis af te lê of om 'n boek, plan of ander stuk of voorwerp oor te lê, word sodanige getuiegelde betaal as wat toegestaan word aan enige getuie wat aanwesig is of gedagvaar is om getuienis af te lê in 'n siviele saak voor 'n landdroshof.

ONDERSOEK EN ARBITRASIE

19. (1) Wanneer die Minister ooreenkomstig artikel 28 (1) van die Wet gelas dat die kommissie of 'n lid daarvan 'n openbare ondersoek moet instel, moet die kennisgewing van sodanige ondersoek ingevolge artikel 28 (2) van die Wet die volgende vermeld:

(a) Die plek van die ondersoek;

(b) die tyd en datum waarop die ondersoek sal begin;

(c) die aard van die ondersoek;

(d) indien die ondersoek deur 'n lid van die kommissie ingestel word, die volle naam van die lid.

(2) Die kennisgewing in subregulasie (1) genoem, moet in een uitgawe van die *Staatskoerant* en in minstens een uitgawe van 'n Afrikaanse dagblad sowel as van 'n Engelse dagblad wat in sirkulasie is in die provinsie waarin die betrokke padvervoer onderneem word, gepubliseer word.

(3) 'n Afskrif van bedoelde kennisgewing moet per aangetekende pos aan elke belanghebbende gestuur word.

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ARBITRATION

20. Compensation by arbitration in terms of section 26 (6) and 28 (6) of the Act shall be determined by two arbitrators of whom one shall be nominated by the Secretary for Transport and the other by the party or parties to be compensated. If the party or parties fail to nominate an arbitrator or to advise the Secretary for Transport of such nomination within 14 days after having been called upon by the Secretary for Transport to do so, the Secretary for Transport may himself also nominate the second arbitrator.

COMMITTEE FOR PURPOSES OF SECTION 27 OF THE ACT

21. (1) The committee, which the Minister may appoint in terms of section 27 of the Act, shall consist of three members.

(2) Of the members of the committee—

(a) one shall be an officer of the Department of Transport, who shall also act as chairman of the committee;

(b) one shall be an officer of the Treasury; and

(c) one shall be an employee of the South African Railways and Harbours.

(3) The Minister may, at his discretion, appoint any person whom he considers to have an interest in the matter dealt with by the committee an advisory member of the committee, and an advisory member thus appointed shall attend meetings of the committee only when requested thereto in writing by the chairman.

(4) A member of the committee, including an advisory member appointed under subregulation (3), shall hold office at the Minister's pleasure, but shall vacate his office—

(a) if he terminates his services with the Government Department concerned or with the South African Railways and Harbours, as the case may be, in whose employ he was at the time of his appointment as advisory member of the committee;

(b) upon being relieved of his office in terms of subregulation (6) or upon resigning by written notice addressed to the Minister.

(5) The office of a member or advisory member shall become vacant upon his demise.

(6) The Minister may relieve a member or an advisory member of the committee of his office—

(a) if, in the Minister's opinion, he has been guilty of improper conduct or has regularly neglected his duties as a member of the committee; or

(b) if, in the Minister's opinion, he is not capable of the efficient discharge of his duties as a member of the committee.

POWERS AND DUTIES OF COMMITTEE

22. The committee appointed under section 2 (h) of the Act may—

(a) negotiate with the holder referred to in section 27 of the Act in an attempt to find alternative routes or areas for the vehicles covered by the permits that are to be withdrawn or amended;

(b) make recommendations to the commission or to a competent board in regard to any application for or pertaining to a public permit which the holder referred to in paragraph (a) may lodge with the commission or with a board, as the case may be;

(c) negotiate with the holder referred to in paragraph (a) and with any other interested party and make recommendations with a view to effecting the change-over from road transport to transport by rail with the least possible disruption and at the lowest possible cost to all parties concerned;

ARBITRASIE

20. Vergoeding by arbitrasie ingevolge artikels 26 (6) en 28 (6) van die Wet word bepaal deur twee arbiters van wie die een deur die Sekretaris van Vervoer en die ander deur die party of partye wat vergoed moet word, benoem word. Indien daardie party of partye versuim om binne 14 dae te voldoen aan die Sekretaris van Vervoer se versoek om 'n arbiter te benoem of versuim om binne gemelde tydperk die Sekretaris van Vervoer van daardie benoemde in kennis te stel, kan die Sekretaris van Vervoer ook die tweede arbiter benoem.

KOMITEE VIR DOELEINDES VAN ARTIKEL 27 VAN DIE WET

21. (1) Die komitee wat die Minister ingevolge artikel 27 van die Wet kan aanstel, moet uit drie lede bestaan.

(2) Van die lede van die komitee moet—

(a) een 'n beampte van die Departement van Vervoer wees, wat ook as voorsitter van die komitee optree;

(b) een 'n beampte van die Tesourie wees; en

(c) een 'n dienaar van die Suid-Afrikaanse Spoorweë en Hawens wees.

(3) Die Minister kan na goeddunke enige persoon wat na sy oordeel belang by die aangeleentheid het waarmee die komitee handel, as adviserende lid van die komitee aanstel, en 'n aldus aangestelde adviserende lid woon slegs vergaderings van die komitee by wanneer hy skriftelik daartoe deur die voorsitter versoek word.

(4) 'n Lid van die komitee, insluitende 'n adviserende lid aangestel kragtens subregulasie (3), beklee sy amp solank dit die Minister behaag, maar ontruim sy amp—

(a) indien hy sy dienste by die betrokke Staatsdepartement of by die Suid-Afrikaanse Spoorweë en Hawens, na gelang van die geval, waar hy tydens sy aanstelling as adviserende lid van die komitee werksaam was, beëindig;

(b) indien hy kragtens subregulasie (6) van sy amp onthef word of, deur skriftelike kennisgewing aan die Minister gerig, bedank.

(5) Die amp van 'n lid of adviserende lid word vakant by sy afsterwe.

(6) Die Minister kan 'n lid of adviserende lid van die komitee van sy amp onthef—

(a) wat, volgens die Minister se oordeel, hom aan onbehoorlike gedrag skuldig gemaak het of gereeld sy pligte as lid van die komitee versuim; of

(b) wat, volgens die Minister se oordeel, nie in staat is om sy pligte as lid van die komitee doeltreffend uit te voer nie.

BEVOEGDHEDE EN PLIGTE VAN KOMITEE

22. Die komitee aangestel kragtens artikel 2 (h) van die Wet kan—

(a) met die houer bedoel in artikel 27 van die Wet onderhandel ten einde alternatiewe roetes of gebiede te probeer vind vir die voertuie waarop die permitte wat ingetrek of gewysig staan te word, betrekking het;

(b) aanbevelings by die kommissie of andersins by die bevoegde raad doen met betrekking tot 'n aansoek om of ten opsigte van 'n openbare permit wat die houer bedoel in paragraaf (a) by die kommissie of die raad, na gelang van die geval, mag indien;

(c) met die houer bedoel in paragraaf (a) en enige ander belanghebbende persoon onderhandel en aanbevelings doen ten einde die oorskakeling van padvervoer na spoorvervoer met die minste moontlike ontwrigting en teen die laagste moontlike koste vir alle betrokke partye te laat geskied;

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(d) meet at any place it deems the most suitable, and inspect any place, route or area whose inspection it deems desirable.

GENERAL PROVISIONS

RETURNS

23. (1) If so directed by the commission or by a competent board, the holder of a permit shall, not later than 10 days after the end of each calendar month, submit a return, which shall be in the form prescribed by the commission from time to time, to the commission or a competent board, as the case may be, in which at least the following shall be shown:

(a) In the case of passengers, the number of passengers conveyed during the previous calendar month in the vehicle to which such permit relates and the distance in kilometres covered in the process within each area and/or on every route specified in the permit (urban and rural areas to be shown separately); and

(b) in the case of goods, the total mass in kilograms of goods conveyed in the previous calendar month in the vehicle to which such permit relates and the distance in kilometres covered in the process within each area and/or on every route specified in such permit (urban and rural areas to be shown separately): Provided that, if it is not possible to give the exact total mass, an estimate of the total mass will suffice.

(2) If the holder of a permit did not convey any persons or goods during any calendar month under the authority conferred by such permit, he shall, not later than 10 days after the end of that calendar month, notify the commission or competent board, as the case may be, accordingly.

RECORDS

24. (1) The holder of a permit shall, on the vehicle to which that permit relates, keep in respect of each trip made by such vehicle an accurate record showing—

(a) in the case of passengers, the number of passengers (separate records shall be kept in repect of each area and/or route specified in such permit);

(b) in the case of goods—

(i) the places between which and the area or areas within which goods are conveyed;

(ii) the names of consignors and consignees;

(iii) the number of parcels and a brief description of the goods; and

(iv) the mass of each consignment: Provided that, if it is not possible to give the exact mass of each consignment of goods, a reasonable estimate of the mass will suffice.

(2) The records referred to in subregulation (1) shall be completed—

(a) in the case of passengers, by the driver of such vehicle or, if a conductor is on duty on that vehicle, by the conductor at the end of each forward and return journey;

(b) in the case of goods, by the holder of such permit or by his employee upon receipt of such goods by the said holder or his employee.

(3) The records referred to in subregulation (1) shall be kept on the vehicle by the driver of the vehicle to which such records relate or, if a conductor is on duty on that vehicle, by such conductor, and shall be made available for inspection upon request by an authorised officer.

(d) op enige plek vergader wat hy die geskikste ag, en enige plek, roete of gebied besigtig, al na hy dit wenslik ag.

ALGEMENE BEPALINGS

OPGAWES

23. (1) Indien deur die kommissie of bevoegde raad daartoe gelas, moet die houer van 'n permit binne 10 dae na afloop van elke kalendermaand aan die kommissie of bevoegde raad, na gelang van die geval, 'n opgawe verstrek in die vorm soos van tyd tot tyd deur die kommissie voorgeskryf, waarin minstens die volgende aangegee word:

(a) In die geval van passasiers, die getal passasiers wat gedurende die voorafgaande kalendermaand vervoer is in die voertuig waarop sodanige permit betrekking het, en die kilometerafstand wat in dié verband afgelê is binne elke gebied en/of oor elke roete wat in die permit vermeld word (stedelike en plattelandse gebiede moet afsonderlik aangetoon word); en

(b) in die geval van goedere, die totale massa in kilogram van goedere wat gedurende die voorafgaande kalendermaand vervoer is in die voertuig waarop sodanige permit betrekking het, en die kilometerafstand wat daarby in dié verband afgelê is binne elke gebied en/of oor elke roete wat in die permit vermeld word (stedelike en plattelandse gebiede moet afsonderlik aangetoon word): Met dien verstande dat as dit nie moontlik is om die totale massa presies op te gee nie, 'n skatting van die totale massa voldoende sal wees.

(2) As die houer van 'n permit geen persone of goedere gedurende 'n kalendermaand ingevolge die magtiging by sodanige permit verleen, vervoer het nie, moet hy die kommissie of bevoegde raad, na gelang van die geval, binne 10 dae na afloop van daardie kalendermaand dienooreenkomstig in kennis stel.

AANTEKENINGE

24. (1) Die houer van 'n permit moet op die voertuig waarop sodanige permit betrekking het, ten opsigte van elke rit deur die voertuig afgelê, noukeurig aantekening hou van—

(a) in die geval van passasiers, die getal passasiers (gegewens ten opsigte van elke gebied en/of roete wat in die gemelde permit bepaal word, moet afsonderlik gehou word);

(b) in die geval van goedere—

(i) die plekke waartussen en die gebied of gebiede waarin goedere vervoer word;

(ii) die name van versenders en ontvangers;

(iii) die getal pakkette en 'n kort beskrywing van die goedere; en

(iv) die massa van elke besending: Met dien verstande dat waar dit nie moontlik is om die presiese massa van elke besending goedere te gee nie, 'n redelike skatting van die massa voldoende sal wees.

(2) Die aantekeninge in subregulasie (1) genoem, moet ingevul word—

(a) in die geval van passasiers, deur die bestuurder van die betrokke voertuig of, as 'n kondukteur op daardie voertuig op diens is, deur die kondukteur na afloop van elke heen- en terugreis;

(b) in die geval van goedere, deur die houer van die betrokke permit of sy dienaar by ontvangs deur gemelde houer of sy dienaar van daardie goedere.

(3) Die aantekeninge in subregulasie (1) genoem, moet op die voertuig waarop dit betrekking het deur die bestuurder van sodanige voertuig, of, as 'n kondukteur op sodanige voertuig op diens is, deur daardie kondukteur gehou word, en moet op versoek van 'n gemagtigde beampte ter insae beskikbaar gestel word.

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(4) Every record completed in terms of these regulations shall be kept by the holder of the permit concerned in such a way as to be readily available for inspection by an authorised officer at any time during a period of 12 months from the date on which such record was completed.

INFORMATION ON VEHICLES

25. (1) Particulars required by section 24 (1) (c) of the Act to appear on a motor vehicle to which a public or private permit relates shall be painted on both sides of such vehicle in a colour that shows up clearly against the background on which they are painted.

(2) A notice specifying a class of person and required to appear on a motor vehicle to which a public permit relates shall, in terms of any requirement incorporated in the permit in terms of section 24 (1) (c) of the Act, at all times be visible on such vehicle from the outside and shall show up clearly against the background of the notice.

(3) The letters and figures used in the painting of particulars in terms of subregulation (1) or of the notice in terms of subregulation (2) shall have the minimum dimensions specified in regulation 2 (2).

POWERS, DUTIES AND FUNCTIONS OF AUTHORISED OFFICERS

26. (1) Every inspector shall wear the identification issued to him by the Secretary for Transport, and upon being so requested, such inspector shall show his identification to every person with whom he deals in his official capacity.

(2) Apart from the duties and powers referred to in the Act and elsewhere in these regulations, an authorised officer may in relation to road transportation—

(a) direct a motor vehicle to stop and examine goods conveyed thereon to establish whether such vehicle is being used for road transport;

(b) require the driver of a motor vehicle to furnish his name and address and any documentary evidence in support thereof and the name and address of the owner of the vehicle, as well as particulars of the business in connection with which such vehicle is being used;

(c) require that the driver or other person in charge of a motor vehicle forthwith produce for inspection any documents or other records in or on the vehicle or in his possession that in any way relate to the goods or persons being conveyed on such vehicle;

(d) require that any person on a motor vehicle believed to be used for road transport or any person believed to have been on such a vehicle recently furnish his full name and address and any documentary evidence in support thereof and that he state whether he has paid or has to pay any consideration for his conveyance on such vehicle, and that he furnish the name and address of the person to whom he had or has to make such payment;

(e) require that the driver of or any person on a motor vehicle furnish the name and address of the consignor and the consignee of goods being or about to be conveyed on such vehicle, as well as the names of the places between which such conveyance is to take place;

(f) require that the records to be kept in terms of regulation 24 be produced by the driver of a motor vehicle or by the conductor, if any, for inspection;

(4) Elke aantekening wat ooreenkomstig die bepalings van hierdie regulasies ingevul word, moet deur die houer van die betrokke permit bewaar word op so 'n wyse dat dit geredelik beskikbaar sal wees vir insae deur 'n gemagtigde beampte op enige tyd binne 'n tydperk van 12 maande vanaf die datum waarop sodanige aantekeninge ingevul is.

INLIGTING OP VOERTUIE

25. (1) Gegewens wat ingevolge artikel 24 (1) (c) van die Wet op 'n motorvoertuig waarop 'n openbare of privaatpermit betrekking het, moet verskyn, moet op albei sykante van sodanige motorvoertuig geverf word in 'n kleur wat duidelik afsteek teen die agtergrond waarop dit geverf is.

(2) 'n Kennisgewing wat 'n klas persone vermeld en wat op 'n motorvoertuig waarop 'n openbare permit betrekking het, moet verskyn ooreenkomstig 'n vereiste wat ingevolge artikel 24 (1) (c) van die Wet in daardie permit beliggaam is, moet te alle tye duidelik van buite op gemelde voertuig sigbaar wees, en moet duidelik afsteek teen die agtergrond van die kennisgewing.

(3) Die letters en syfers wat by die verf van gegewens ingevolge subregulasie (1) of by die aanbring van die kennisgewing ingevolge subregulasie (2) gebruik word, moet die minimum afmetings hê wat in regulasie 2 (2) uiteengesit is.

BEVOEGDHEDE, PLIGTE EN WERKSAAMHEDE VAN GEMAGTIGDE BEAMPTES

26. (1) Elke inspekteur moet die identifikasie dra wat die Sekretaris van Vervoer aan hom uitreik, en so 'n inspekteur moet, indien daartoe versoek, sy identifikasie toon aan elke persoon met wie hy ampshalwe onderhandel.

(2) Benewens die pligte en bevoegdhede wat in die Wet en elders in hierdie regulasies vermeld word, kan 'n gemagtigde beampte, met betrekking tot padvervoer—

(a) 'n motorvoertuig laat stilhou en goedere wat daarop vervoer word, ondersoek ten einde vas te stel of daardie voertuig vir padvervoer gebruik word;

(b) eis dat die bestuurder van 'n motorvoertuig sy naam en adres en enige dokumentêre bewys ter stawing daarvan en die naam en adres van die eienaar van die voertuig, asook besonderhede van die besigheid in verband waarmee die voertuig gebruik word, verstrek;

(c) eis dat die bestuurder of ander persoon in beheer van 'n motorvoertuig, daar en dan enige stukke of ander aantekeninge in of op die voertuig of in sy besit wat enigsins betrekking het op die goedere of persone wat op die voertuig vervoer word, vir ondersoek toon;

(d) eis dat 'n persoon op 'n motorvoertuig wat, na vermoed word, vir padvervoer gebruik word of, 'n persoon wat, na vermoed word, onlangs op so 'n voertuig gewees het, sy volle naam en adres en enige dokumentêre bewys ter stawing daarvan verstrek, en eis dat hy verklaar of hy vergoeding betaal het of moet betaal vir sy vervoer op gemelde voertuig, en die naam en adres verstrek van die persoon aan wie hy sodanige vergoeding betaal het of moet betaal;

(e) eis dat die bestuurder van of 'n ander persoon op 'n motorvoertuig die naam en adres verstrek van die versender en die ontvanger van goedere wat op sodanige voertuig vervoer word of vervoer staan te word, asook die name van die plekke waartussen sodanige goedere vervoer moet word;

(f) eis dat die aantekeninge wat ingevolge regulasie 24 gehou moet word, deur die bestuurder van 'n motorvoertuig of deur die kondukteur, waar 'n kondukteur in diens is, vir ondersoek getoon word;

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(g) enter any premises at any reasonable time to conduct an investigation within the ambit of his duties as authorised officer, and may, while he is on or in such premises or at any other reasonable time, question any person who, in his opinion, may be able to furnish any information required by him; and he may require that any person forthwith, or at such time and place as he may determine, hand over to him all books and documents which, in his opinion, may serve as proof of the commission of an offence or an alleged offence in terms of the Act, and he may examine such book or document and make extracts therefrom or copies thereof, and demand an explanation of any entries in such book or document: Provided that any person thus questioned or required to furnish an explanation shall be entitled to all the privileges to which any person testifying before a court of law would be entitled;

(h) require that the driver or other person in charge of a motor vehicle used for road transport produce any documents which have been issued by the commission, a board or a local authority in respect of that vehicle and which are required by law to be kept on that vehicle;

(i) require that the driver or other person in charge of a motor vehicle which is used for road transport and which is so defective as to be a possible danger to persons and property, forthwith hand over the current permit, as well as the distinguishing mark relating to such vehicle, and that he cease his activities until such time as such defect has been remedied;

(j) upon the order of the commission or of a board impound every permit specified in such order and hand the same to the commission or to the board that issued such order;

(k) require that the driver or other person in charge of a motor vehicle whose load is so sealed and/or locked as not to permit of ready examination, forthwith open the seal and/or lock or device with which such load is locked to permit of such load being examined, and if the driver or other person in charge of such vehicle fails or refuses to comply with such requirement, he may forcibly break the seal and/or lock or device with which such load is sealed or locked so that he may be able to examine such load;

(l) after examining the load of a motor vehicle which had been sealed or locked and whose seal, lock or locking device, had been opened or forced open in terms of paragraph (k) reseal such load with an official seal and issue the driver or other person in charge of such vehicle with a certificate in the form prescribed by the commission in which it is confirmed that the seal and/or locking device had been opened or forced open by order of an authorised officer and in which details are given of the official seal with which such load was resealed.

(3) Apart from the duties and powers specified in the Act and elsewhere in these regulations, an inspector, and any member of the South African Police may impound any motor vehicle reasonably suspected of having been used in connection with the conduct of unauthorised road transportation, as well as the goods conveyed on such vehicle.

(4) Upon the impoundment of any motor vehicle or goods in terms of subregulation (3), the person who made such impoundment shall forthwith cause such vehicle or goods to be taken to a police station whereupon the matter shall be dealt with in accordance with the provisions of the Criminal Procedure Act, 1977 (Act 51 of 1977).

OFFENCES AND PENALTIES

27. Any person who—

(a) contravenes or fails to comply with the provisions of regulations 13, 17, 23, 24 or 25;

(g) enige perseel op enige redelike tyd betree ten einde 'n ondersoek binne die omvang van sy pligte as gemagtigde beampte in te stel en terwyl hy op of in die perseel is of op enige ander redelike tyd, iedereen ondervra wat na sy mening in staat mag wees om enige inligting deur hom verlang, te verstrek; en hy kan eis dat enigiemand daar en dan, of op 'n tyd en plek deur hom bepaal, aan hom alle boeke en geskrifte oorhandig, wat volgens sy oordeel as bewys kan dien van die pleeg van 'n misdryf of 'n beweerde misdryf ingevolge die Wet, en kan so 'n boek of geskrif ondersoek en uittreksels daaruit of afskrifte daarvan maak, en 'n verduideliking van enige inskrywings in so 'n boek of geskrif eis: Met dien verstande dat enige persoon wat aldus ondervra word of 'n verduideliking moet verstrek, geregtig is op al die voorregte waarop 'n persoon wat voor 'n hof getuienis aflê, geregtig sou wees;

(h) eis dat die bestuurder of ander persoon in beheer van 'n motorvoertuig, enige stukke toon wat deur die kommissie, 'n raad of 'n plaaslike bestuur uitgereik is ten opsigte van 'n voertuig wat vir padvervoer gebruik word, en wat volgens wet gehou moet word op die voertuig waarop hulle betrekking het;

(i) eis dat die bestuurder of ander persoon in beheer van 'n motorvoertuig wat vir padvervoer gebruik word en so gebrekkig is dat dit 'n moontlike gevaar vir persone en eiendom is, daar en dan die bestaande permit, asook die onderskeidingsteken wat op die voertuig betrekking het, oorhandig en dat hy sy bedrywighede staak tot tyd en wyl die gebrek herstel is;

(j) wanneer deur die kommissie of 'n raad daartoe gelas, elke permit in die lasgewing vermeld, in beslag neem en dit oorhandig aan die kommissie of raad wat die lasgewing uitgereik het;

(k) eis dat die bestuurder of ander persoon in beheer van 'n motorvoertuig waarvan die vrag sodanig verseël en/of toegesluit is dat dit nie geredelik ondersoek kan word nie, die seël en/of slot of toestel waarmee die vrag toegesluit is daar en dan oopmaak sodat die vrag ondersoek kan word, en indien die bestuurder of ander persoon in beheer van die voertuig versuim of weier om aan die eis te voldoen, kan hy die seël en/of slot of toestel waarmee die vrag verseël of toegesluit is, met die nodige geweld oopbreek ten einde die vrag te kan ondersoek;

(l) die vrag van 'n motorvoertuig wat verseël of gesluit was en waarvan die seël slot of sluittoestel ingevolge paragraaf (k) oopgemaak of oopgebreek is, na ondersoek herverseël met 'n amptelike seël en aan die bestuurder of ander persoon in beheer van die voertuig, 'n sertifikaat in die vorm soos deur die kommissie voorgeskryf uitreik waarin bevestig word dat die seël en/of sluittoestel op las van 'n gemagtigde beampte oopgemaak of oopgebreek is, en waarop besonderhede verskyn van die amptelike seël waarmee die vrag herverseël is.

(3) Benewens die pligte en bevoegdhede wat in die Wet en elders in hierdie regulasies vermeld word, kan 'n inspekteur en enige lid van die Suid-Afrikaanse Polisie beslag lê op enige motorvoertuig wat, na daarop redelike gronde vermoed word, in verband met die bedryf van ongemagtigde padvervoer gebruik is, asook op die goedere wat daarop vervoer is.

(4) Wanneer 'n motorvoertuig of goedere ooreenkomstig subregulasie (3) in beslag geneem is, moet die persoon wat dit in beslag geneem het, sodanige voertuig of goedere onverwyld na 'n polisiestasie laat neem waarna daarmee gehandel word ooreenkomstig die bepalings van die Strafproseswet, 1977 (Wet 51 van 1977).

MISDRYWE EN STRAFBEPALINGS

27. Enigiemand wat—

(a) die bepalings van regulasies 13, 17, 23, 24 of 25 oortree of versuim om daaraan te voldoen;

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(b) fails to comply with any requirement or order under regulations 2, 3 (3), 3 (4), 7 (3), 7 (5) or 10 (3);
(c) fails to comply forthwith with any request made under regulation 26 (2) (b), (c), (d), (e), (f), (g), (h) or (i);
shall be guilty of an offence and liable upon conviction to the penalties prescribed in section 35 of the Act.

SHORT TITLE

28. These regulations shall be known as the Road Transportation Regulations, 1977.

(b) versuim om te voldoen aan 'n vereiste of opdrag kragtens regulasies 2, 3 (3), 3 (4), 7 (3), 7 (5) of 10 (3);
(c) versuim om dadelik te voldoen aan 'n versoek wat kragtens regulasie 26 (2) (b), (c), (d), (e), (f), (g), (h) of (i) gedoen word;
is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in artikel 35 van die Wet genoem.

KORT TITEL

28. Hierdie regulasies heet die Padvervoerregulasies, 1977.

TV 3/10

REPUBLIC OF SOUTH AFRICA—REPUBLIEK VAN SUID-AFRIKA

DEPARTMENT OF TRANSPORT—DEPARTEMENT VAN VERVOER

NOTICE/KENNISGEWING

Road Transportation Act, 1977 (Act 74 of 1977)/Wet op Padvervoer, 1977 (Wet 74 van 1977)

Name
Naam..
Address
Adres..

....

You are hereby required and directed to appear personally before the National Transport Commission*/Local Road Transportation Board*
U word hierby gelas om persoonlik voor die Nasionale Vervoerkommissie*/Plaaslike Padvervoerraad*..........................
at on the
te verskyn te..op die..
day of at to testify and declare all you know with
dag van..19........ om..........................om te getuig en te verklaar alles wat u weet
regard to
betreffende..

....

....

....

and to bring with you the following books, plans, papers and/or objects for submission to the commission*/local board*
en om die volgende boeke, planne, stukke en/of voorwerpe met u saam te bring en aan die kommissie*/plaaslike raad* voor te lê..........................

....

....

....

....

Dated at on this day of
Gedateer te..op hede die..dag van..19........

....
Chairman*/Voorsitter*/Secretary*/Sekretaris*
National Transport Commission*/Nasionale Vervoerkommissie*
Local Road Transportation Board*/Plaaslike Padvervoerraad*

....

* Delete whichever is not applicable/Skrap wat nie van toepassing is nie.

FOR OFFICIAL PURPOSES ONLY—SLEGS VIR AMPTELIKE GEBRUIK

I certify that I have served this notice upon the within-named person by—
Ek sertifiseer dat ek hierdie kennisgewing aan genoemde persoon beteken het deur—

*(a) delivering a true copy to him/her PERSONALLY;
'n ware afskrif aan hom/haar PERSOONLIK te oorhandig;

OR/OF

*(b) leaving, as he/she could not conveniently be found, a true copy with an inmate at his/her—
aangesien hy/sy nie maklik gevind kon word nie, 'n ware afskrif te laat in die hande van.........................., 'n inwoner by sy/haar—

†

	place of business/besigheidsplek
	usual place of abode/gewone woonplek
	last known place of abode/jongsbekende woonplek

at
te..
at on this day of
om....................h.................... op die..dag van..19........
and at the same time informing him/her of the nature and exigency thereof.
en dat ek hom/haar terselfdertyd van die aard en erns daarvan in kennis gestel het.

Place
Plek..

....
Signature of authorised officer
Handtekening van gemagtigde amptenaar

* Delete whichever is not applicable/Skrap wat nie van toepassing is nie.
† Insert cross in appropriate block/Maak 'n kruis in toepaslike blok.

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