
GENERAL NOTICE

NOTICE 1983 OF 2000

**DEPARTMENT OF TRANSPORT
DEPARTMENT VAN VERVOER****PUBLICATION FOR PUBLIC COMMENT: CROSS-BORDER ROAD TRANSPORT
AMENDMENT BILL**

The draft legislation set out in the schedule hereto, which the Minister of Transport proposes to introduce in Parliament, is hereby published for public comment in compliance with section 154(2) of the Constitution of the Republic of South Africa 1996 (Act no 108 of 1996)

Interested parties are invited to lodge their written comments not later than 15th June 2000 with:

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REPUBLIC OF SOUTH AFRICA

CROSS-BORDER ROAD TRANSPORT AMENDMENT BILL

(As introduced in the National Assembly *as a section 76 Bill*)
(The English **text** is the official text of the Bill)

(MINISTER OF TRANSPORT)

[B -2000]

REPUBLIEK VAN SUID-AFRIKA

WYSIGINSWETSONTWERP OP DIE OORGRENSPADVERVOER

(Soos ingedien in die Nasionale Vergadering as 'n artikel 76-wetsontwerp)
(Die Afrikaans teks is die **amptelike vertaling van die Wetsontwerp**)

(MINISTER VAN VERVOER)

[W -2000]

GENERAL EXPLANATORY NOTE:

[1 Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

B I L L

To amend the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998), so as to amend four definitions; to provide anew for the appointment of the National Road Transport Inspectorate by the Chief Executive Officer; to provide anew for the representation of the Board including the criteria for the determination of board members who should vacate office after the 18 months period.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:

Amendment of section 1 of the Cross-Border Road Transport Act, 1998

1. Section 1 of the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998), is hereby amended—

- (a) by the substitution for the definition of “foreign carrier” of the following definition:
 “‘foreign carrier’ means a carrier [who undertakes cross-border road transport] with a vehicle which is registered in a state other than the Republic.”;
- (b) by the substitution for the definition of “reward” of the following definition:
 “‘**reward**’ means compensation of any nature whatsoever in cash or in kind received for the transport of passengers or received in terms of a contract concluded for the hiring of a vehicle and a driver or the hiring of a vehicle and the separate hiring of a driver.”
- (c) by the substitution for the definition of “vehicle” of the following definition:
 “‘**vehicle**’ means:-
 - (a) in relation to cross-border freight road transport, any mechanically propelled road vehicle-
 - (i) which is constructed, adapted or used for the carriage of freight, excluding a semi-trailer and a trailer in the case of [an articulated

- (ii) **vehicle] a combination of vehicles;** and which either by itself or as part of **[an articulated vehicle] a combination of vehicles** exceeds a maximum gross mass of 3500kg;
 - (b) in relation to cross-border passenger road transport, any mechanically-propelled road vehicle which is constructed or adapted for the conveyance of passengers or any other vehicle which is used to convey passengers; and
 - (c) in relation to **cabotage**, any mechanically-propelled road vehicle and, in the 'case of **[an articulated vehicle] a combination of vehicles**, also a trailer and a semi-trailer."
- (d) by the substitution for the definition of "cabotage" of the following definition:
"**cabotage**' means transport undertaken on a public road by a foreign carrier with a vehicle which involves—
 - (a) the **onloading [or] and offloading of freight or passengers** within two points in the Republic; or
 - (b) the **onloading of freight or passengers** in the Republic for conveyance to a third state which is not the state of registration of the vehicle used for such transport and where such state of registration is not traversed;

Amendment of section 5 of the Cross-Border Road Transport Act, 1998

2. Section 5 of the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998), is hereby amended—

- (a) by deletion of subsection (2) and by substitution of same by the following:

"(2) (a) The Board consists of seven (7) members of whom six (6) must be appointed by the Minister. The seventh member is the Chief Executive Officer by virtue of holding that office.

(b) The members to be appointed are the Chairperson and the Deputy Chairperson, who

must befit and proper persons with experience in cross-border road transport industry and the four additional members of whom—

(i) one must not be employed by the State and who is fit on account of his technical expertise in the cross-border road transport of freight.

(ii) one must not be employed by the State and who is fit on account of his technical expertise in the cross-border road transport of

passengers.

(iii) two must have special qualifications, skills, expertise or experience in cross-border road transport industry, labour and consumer sector.

(3) Prior to the appointment of a person to the Board, the Minister must—

(a) by notice in the *Gazette*, publish his or her intention to appoint that person and invite public comment or objections within the period specified in the notice; and

(b) take into account any comment or objection received by him or her in accordance with such notice.

(4) The Minister may nominate a representative to participate in a non-voting capacity in the deliberations of any meeting of the Board or the Regulatory Committee.”

Amendment of section 7 of the Cross-Border Road Transport Act, 1998

3. Section 7 of the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998), is hereby amended—

(a) by substitution of the letter (c) after the word “paragraph” in paragraph (a) of subsection (2) with (b);

(b) by deletion of paragraphs (b) and (c) of subsection (2) and substitution of same by the following:

“(b) Four members of the Board referred to in section 5(3)(a),(b) and (c) may subject to the recommendations of the Chairperson and Deputy Chairperson of the Board vacate their offices every 18 months.”

Amendment of section 14 of the Cross-Border Road Transport Act, 1998

4. Section 14 of the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998), is hereby amended—

- (a) by deletion of paragraph (c) of subsection (l).

Amendment of section 33 of the Cross-Border Road Transport Act, 1998

5. Section 33 of the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998), is hereby amended—

- (a) by the substitution for subsection (1) for the following subsection:

“(1) The **Regulatory Committee** ~~[must]~~ may, before considering any application for the granting, renewal[, transfer] or amendment of a permit issued for either three months, six months or one year authorizing cabotage or for granting, renewal[, transfer] or amendment of a three months, six months or one year permit for cross-border passenger road transport, publish in the Gazette the particulars of any application as may be prescribed and invite any person to make representations in the manner and within the time prescribed, in respect of such application, except where the agreement provides otherwise and subject to the provisions of subsection (2).”

Amendment of section 37 of the Cross-Border Road Transport Act, 1998

6. Section 37 of the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998), is hereby amended—

- (a) by the substitution for subsection (1) for the following subsection:

“(1) The **[Board]** Chief Executive Officer must appoint the National Road Transport inspectorate, consisting of the National Road Transport Inspectors.”

Amendment of section 38 of the Cross-Border Road Transport Act No. 4 of 1998

7. Section 38 of the Cross-Border Road Transport Act, 1998 (Act No. 4 of 1998), is hereby amended—

- (a) by the substitution for paragraph (h) of subsection (1) for the following subsection:

“(h) impound a vehicle which is reasonably suspected of being or having been used for **[cross-border road transportation]** unauthorised transport contrary to the Act or an agreement ;”

Short title

8. This Bill shall be called the Cross-Border Road Transport Second Amendment Bill and shall come into operation upon date of publication in the Gazette.
