20 September 2016

**A COLLATION AND ANALYSIS OF THE SUBMISSIONS ON THE NATIONAL LAND TRANSPORT AMENDMENT BILL [B7-2016]**

This brief collates and analyses submissions that have been made on the National Land Transport Amendment Bill. In this regard, attention is paid to comments or proposals made by stakeholders that have a bearing on specific clauses of the Bill.

| **Clause of the Bill** | **Stakeholder** | **Comments/Proposals** |
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| 1: Amendment of section 1 of the National Land Transport Act (NLTA) (No. 5 of 2009) – Definitions  1: Amendment of section 1 of the NLTA (No. 5 of 2009) - Definitions  1: Amendment of section 1 of the NLTA (No. 5 of 2009) - Definitions | 1. South African Local Government Association (SALGA)   SALGA  SALGA | * The definition of an “association” needs to clarify the legal standing of an “association”, particularly in relation to their members. * The definition of “integrated public transport network” is welcomed. However, the words “if road based” should be excluded. It is proposed that the definition be rephrased to “have dedicated median or kerbside, with or without bus rapid transit systems”. * Section b) of the definition be also rephrased “which are high volume bus corridors served by an integrated feeder system and complementary system”. * It is proposed that the extension of the “metered taxi service” in paragraph (c) include services like “Uber” and be reworked so that the outcome is that the fee payable must be determined upfront. * The definition of “no-motorised transport” should state “both non-motorised and motorised wheelchairs and/or other similar modes”. It is further contended that the definition needs to be more specific and must also include “electric bikes, pedicabs and sedgeways”. However, the additional problem with a pedicab is that it carries passengers, but is non-motorised. * It is argued that the definition of “targeted categories of passengers” in bullet two (ii) is unclear as it is too inclusive. |
| 1: Amendment of section 1) of the NLTA (No. 5 of 2009) - Definitions | 1. Uber South Africa Technology (Pty) Ltd (Uber)   Uber | * It is proposed that instead of implicitly making reference to “electronic hailing” or “e-hailing”, a definition of “e-hailing” be introduced under section 1 of the principal Act (No.5 of 2009) – (definitions). In this regard, “e-hailing” should be defined as “hailing or pre-booking a motor vehicle operated by the holder of an operating licence or permit issued in terms of section 50(1) or section 84(2), by means of an e-hailing technology-application service which-  1. Enables the hailing or pre-booking of a vehicle electronically; 2. Has the facility to estimate fares and electronically communicate the estimate to passengers in advance; 3. Communicates the final fare to passengers at the conclusion of the trip; and 4. Provides the prescribed details of the driver of the vehicle to the passenger or passengers. |
|  | 1. The South African Metered Taxi Forum (SAMTF) | * It is suggested that the “associations” definition should also cater for metered taxis that have been incorporated as companies. * In addition, it is recommended that there be a clear distinction between shuttle services and metered taxis. |
| 1: Amendment of section 1 of the NLTA (No. 5 of 2009) – Definitions | 1. Transport for Cape Town (TCT)   TCT | * Reference is made to “integrated public transport network (IPTN). It is agreed to except for the words “if road based” when referring to dedicated rights of way. It should not just be road, but also rail. The definition should be amended to make it clear that the IPTN includes road and rail. * There is full agreement with the insertion of the definition “municipal regulatory entity”. * The definition of “non-motorised transport” should state “…and both non-motorised” and motorised wheelchairs “and/or other similar modes”. |
| 1: Amendment of section 1 of the NLTA (No. 5 of 2009) - Definitions | 1. South African Metered Taxi Association (SAMTA)   SAMTA | * The new definition of “metered taxi” is objected to. SAMTA contends that an electronic hailing application using a smart phone is not a taxi meter in terms of international and national standards because a smart phone application cannot be sealed, therefore the km price can be increased and decreased at a whim, and this is evident in the surge pricing Uber applies during peak periods, so it is argued. * SAMTA recommends that e-hailing applications be required to be used together with a sealed meter within a regulated metered taxi industry which limits the number of cabs operating under each company banner. * SAMTA further argues that if Uber is going to be legalised, there should be a national consultation with the entire metered taxi industry and a limit to the number of vehicles they can operate under their banner. The law need to be enforced when they do not comply, i.e. they need to abide by the current metered taxi regulations. In addition, it is submitted that Uber must refrain from undercutting prices to unsustainable levels to increase market share and then raise prices to unregulated high prices when demand increases. |
| 1: Amendment of section 1 of the NLTA (No. 5 of 2009) - Definitions | 1. Uber South Africa Technology (Pty) Ltd (Uber   Uber | * It is maintained that the Bill contains a gap (lacuna) because there is no definition of “e-hailing”. The following definition of “e-hailing” is therefore proposed: * “Electronic hailing or “e-hailing” means hailing or pre-booking a motor vehicle operated by the holder of an operating licence or permit issued in terms of section 50(1) or section 84(2), by means of e-hailing technology-enabled application service which-  1. Enables the hailing or pre-booking of a vehicle electronically; 2. Has the facility to estimate fares and electronically communicate the estimate to passengers in advance; 3. Communicates the final fare to passengers at the conclusion of the trip; and 4. Provides the prescribed details of the driver of the vehicle to |
| 1: Amendment of section 1 of the NLTA (No. 5 of 2009) - Definitions | 1. Paul Browning   Paul Browning | * He submits that the proposed definition of “integrated public transport network” meets most of his concerns. * However, he suggests that Integrated Rapid Public Transport Networks should “have dedicated rights of way if roads based”. This might be taken to mean that a corridor route should have such dedicated lanes along its whole length, he maintains. He further asserts that priority measures need to be introduced where necessary as, in his view, for much of the route buses and taxis can operate in general traffic. * Mr Browning’s proposed wording therefore is “… have, if road-based, dedicated rights of way and other priority measures where appropriate and justified by traffic conditions, ….”. |
| 2: Amendment of section 5 of the NLTA (No. 5 of 2009) – Functions of the Minister | 1. SALGA | * The functions of the Minister also need to refer to the Road Traffic Act and associated functions in terms of this Act. |
| 2: Amendment of section 5 of the NLTA (No. 5 of 2009) – Functions of the Minister | 1. SAMTF   SAMTF | * It is proposed that section 2 of the amendments – (i) be in italic. * An argument is advanced that Parliament should find a way to ensure compulsory branding as it is part of security. This must be specifically mentioned as currently the metered taxis are not easily identifiable. * Parliament must also provide for roadworthiness of all modes of transportation to ensure the overarching principle of safety. |
|  | 1. Uber Drivers Cape Town Guild | * The clause should be amended to require the Minister to promote measures to ensure safety of pedestrians and passengers by means of regulations, guidelines or other measures. |
| 3: Amendment of section 8 of the NLTA (No. 5 of 2009) – Regulations by Minister  3: Amendment of section 8 of the NLTA (No. 5 of 2009) – Regulations by Minister | 1. SALGA   SALGA | * This clause should also include those regulations that deal with the provision of public transport to all categories. * Subsection f(A) needs to make provision for a consultation process so that the recurring violent protests by taxi operators can be avoided. * Subsection 8(1)(h) amendment assumes that this amendment enables branding per municipality and takes into account the amendment to allow for alternative branding of 6m vehicles. This needs to be confirmed. * Paragraph (y) in the Amendment Bill refers to universal access plans. It is argued that this term is not clear and should be defined in the definitions section. |
|  | 1. TCT | * Section 8(1)(h) amendment: The Bill should also make it clear that municipalities can also have their own branding as it relates to their public transport system, as is the case at the moment. |
| 3: Amendment of section 8 of Act No. 5 of 2009 – Regulations by Minister  3: Amendment of section 8 of Act No. 5 of 2009 – Regulations by Minister | 1. SAMTF   SAMTF  SAMTF | * Section 8(1)(h) amendment: * Operator’s applications must be linked to security clearances. Local and foreigners bear the costs of acquiring such security. * Compliance with targeted categories at national level must take place. * The forum also objects to the presence of “3 wheelers” and “tuk tuks” as being incorporated within the Act as they do not conform to safety regulations. * Section 8(1)(y) amendment: * The SAMTF requests the colour coding of metered taxi to address the challenging of Uber and other e-hailing apps. * Branding is to be compulsory and should not be in instances of national uniformity, so accordingly, there should be a removal of the national uniformity requirement. * There is a need for branding so as to ensure security and safety so that law enforcement can identify public transport providers through branding. * Branding should be compulsory not only at provincial level but must also apply to all public transport vehicles nationally. The branding is to be registered with the regulator so that there cannot be instances where branding is identical. In instances where someone is seen with an unregistered vehicle, it will be a criminal offence. |
|  | 1. Uber Drivers Cape Town Guild | * It is suggested that the Minister set up a task team to assess the figures from Uber and its partners to ascertain a fair model and with respect to the Labour Relations Act. * It is also submitted that regulations need to enforce clauses which compel e-hailing companies to have their stakeholders/partners to be empowered to be part and parcel of decision-making processes with regard to tariffs, expansion of services and numbers of partners and son on. A failure of the law to empower stakeholders/partners to be involved will, so it is contended, cause chaos in the country and allow undemocratic decisions to be taken by these capitalist e-haling companies as is happening at the moment. |
| 4: Amendment of section 9 of the NLTA (No. 5 of 2009) - Functions of Members of Executive Council (MECs) | 1. SALGA | * The Minister of Transport has the powers to receive an annual report on the state of transport affairs in the province. This report includes reports from municipal regulatory entities. In order to compile this report, municipalities will need to increase capacity so that they have a dedicated resource to execute the mandate. |
| 5: Amendment of section 10 of the NLTA (No. 5 of 2009) - Regulations by MEC  5 : Amendment of section 10 of the NLTA (No. 5 of 2009) - Regulations by MEC | 1. Uber   Uber | * It is submitted that section 8(2) of the NLTA (No. 5 of 2009) rightly obliges the Minister, before making the regulations, to publish a draft for comment and then to consider the comments received. It is, however, asserted that the same obligations are not explicitly required of MECs when making regulations in terms of section 10 of the Act. * It is therefore proposed that a new section 10(2) be added as follows: * “2 Before making any regulations contemplated in subsection (1), the MEC must publish a draft of |
|  | 1. SAMTF | * SAMTF is of the view that both the colour coding and branding of vehicles used for public transport must apply to provincial and national levels. This is because the current function is limited only to provincial level. |
| 7: Amendment of section 11 of the NLTA (No. 5 of 2009) – The responsibilities of the three spheres of government  7: Amendment of section 11 of the NLTA (No. 5 of 2009) – The responsibilities of the three spheres of government  7: Amendment of section 11 of the NLTA (No. 5 of 2009) – The responsibilities of the three spheres of government  7: Amendment of section 11 of the NLTA (No. 5 of 2009) – The responsibilities of the three spheres of government  7: Amendment of section 11 of the NLTA (No. 5 of 2009) – The responsibilities of the three spheres of government | 1. SALGA   SALGA  SALGA  SALGA  SALGA | * In section 11(1)(a)(xi), reference is made to section 41A but there is no Section 41A in the principal Act. It therefore needs to refer to the new Section 41A. * The proposed section 11(b)(vii(A) is unclear, especially in terms of services provided in the province. It needs to be well defined. In addition, the part about a relevant municipality or municipalities not meeting the requirements or criteria prescribed by the Minister is not clear. What criteria are being referred to? * In subsection viiB, the function of concluding contracts for dedicated services for transporting scholars is allocated to provinces. Clarity is needed on why this is a provincial function alone. Secondly, an explanation is sought as to why scholar transport services are not part of the IPTN. * In subsection 11(1)(c)(v), the amendment is contrary to the Rail Management Green Paper. There is agreement with the consultation until such time as devolution is affected. Due consideration needs to be given to this potential long-term conflict. The same comment applies to the amendment of Section 11(1)(c)(xix). * The substitution in subsection 2 refers assigning functions contemplated in subsection 1(a). A question is posed pertaining to why is the assignment limited to item viii and not to the whole section 1(a), as stipulated in the principal Act. * The substitution for subsection (4) to include a part of an “acceptable” integrated transport plan is vague and needs to be defined as this section lacks clarity as to what is expected. * The proposed amendment to Section 11(6) is not agreed to. The statement “unless that function is assigned to a Municipality by the Minister” cannot be deleted. Rather, after Minister, the words and/or can be added. This deletion contradicts section 11(4), as well as the new 11(8) et al. The amendment appears to only focus on the contradicting function where everything else and needs to be defined as this section lacks clarity as to what is expected. * The proposed amendment to Section 11(6) is not agreed to. The statement “unless that function is assigned to a Municipality by the Minister” cannot be deleted. Rather, after Minister, the “words and/or” can be added. This deletion contradicts section 11(4), as well as the new 11(8) et al. The amendment appears to only focus on the contradicting function where everything else (e.g. function indicated in subsection 1(a) is reduced to the contracting function. * The proposed subsection 8 needs to be rephrased for ease of reference. * Subsection 9(b) needs to clarify what is meant by “capacity building” and what is meant by the term “acceptable”. The integrated transport plans, as per the principal Act and amendment, should be extended to every 10 years and reviewed every 5 years. * Subsection 10(d) indicates that the Minister may prescribe requirements and criteria with which municipalities must comply in order to conclude contracts contemplated in subsection (1)(c)(xxvi) in consultation with the Minister responsible for local government matters. Organised local government does not suppose this clause. * The function of contracting for municipal services should remain as stipulated in the current NLTA. In this regard, the Department of Transport (in addition to provinces) needs to capacitate municipalities to properly perform the contracting function, since the provision under the current NLTA of leaving the capacitation of municipalities to provinces has not worked to date. Capacitation of municipalities should be a joint effort between national and provincial spheres of government. |
| 7: Amendment of section 11 of the NLTA (No. 5 of 2009) – The responsibilities of the three spheres of government | 1. SAMTF   SAMTF | * Section 11(d)(xiv) * In catering for people with disabilities, this gives rise to the point that this should apply across the board to all modes of transport. * Section 11(f) * It must be a comprehensive travel demand management to cover all modes of transport, as metered taxis are not part of integrated transport plans. * Section 11(g) * “Concessionary fares” are to apply across the board and to all modes of transport. * These fees must be clearly defined, as well as the inclusion of midi and mini buses. * It is at the municipal level and must apply to provincial and national levels. |
| 7: Amendment of section 11 of the NLTA (No. 5 of 2009) – The responsibilities of the three spheres of government | 1. TCT   TCT | * Section 11(1)(a)(xi) * Reference is made to section 41A but there is no section 41A in the principal Act. It needs to say “the new section 41A”. * Section 11(c) * This proposed amendment is not agreed to. The statement “unless that function is assigned to a Municipality by the Minister” cannot be deleted but rather after the Minister the words “and/or” can be added. This deletion contradicts Section 11(4), as well as the new 11(8) *et al*. * Section 11(10)(d)(ii) * It is argued that it would be useful if more clarity is given as to what is expected by municipalities in relation to ‘necessary capacity”. It is recommended that Chapter 6 of the Comprehensive Integrated Transport Plans (CITP) of each municipality elaborate on their capacity. |
| 8: Amendment of section 13 of the NLTA (No. 5 of 2009) – Impartiality | 1. SAMTF | * It is submitted that the intermodal planning committee must include metered taxis and feature in planning as their rights are affected. |
| 9: Amendment of section 15 of the NLTA (No. 5 of 2009) – Intermodal planning committees | 1. SALGA | * It is submitted that under subsection 2 of section 15, clarity has to be provide as to which modes of transport are being referred to in terms of the function of an intermodal planning committee to coordinate and integrate public transport between the modes. |
|  | 1. TCT | * There is agreement to the proposed amendments to section 15 of the principal Act. |
| 11: Amendment of section 18 of the NLTA (No. 5 of 2009) – Regulatory functions and municipalities  11: Amendment of section 18 of the NLTA (No. 5 of 2009) – Regulatory functions and municipalities | 1. SAMTF   SAMTF | * An argument is advanced that this has implications for metered taxis as they always fall outside a municipality. * If municipality cannot issue operating licence and the metered taxis are not afforded the benefit of applying for an operating licence closer to home or the metered taxis may want to be treated as vehicles for tourism transport. * A possible suggestion is that metered taxis should be treated as tourism transport so as to enjoy the benefits associated with such vehicles. |
|  | 1. SALGA | * The proposed amendments are not supported. The amendment should rather state : A Municipal Regulatory Entity must receive and decide on applications relating to operating licences for services wholly within or emanating in the area of jurisdiction of the Municipality concerned. Further, the word “intraprovincial” should be changed to interprovincial services where the services cross the boundaries of the Province. This also relates to section 24(1)(b) and section 67 on Charter Services. |
| 11: Amendment of section 18 of the NLTA (No. 5 of 2009) – Regulatory functions and municipalities | 1. Uber   Uber | * Uber proposes that section 18(3) should be drafted in such a way that it is aligned with the provisions of the Promotion of Administrative Justice Act (PAJA) (No. 3 of 2000) and accordingly suggests that the section be amended as follows:   *“(3) Subject to the Promotion of Administrative Justice Act 2000 (Act No. 3 of 2000)* *such a municipality may give notice in the prescribed manner that it will no longer receive applications for operating licences for new services except in accordance with invitations given by it for specified routes or in specified areas in accordance with its integrated transport plan, either for the purpose of concluding a contract or because those routes or areas are already adequately served.*” |
| 11: Amendment of section 18 of the NLTA (No. 5 of 2009) – Regulatory functions and municipalities | 1. TCT   TCT | * The proposed amendments to section 18(1) are not agreed. The amendment should rather state: “A Municipal Regulatory Entity must receive and decide on applications relating to operating licences for services wholly within or emanating from the area of jurisdiction of the Municipality concerned so long as it does not go outside the boundaries of the Province.” * In addition, it is proposed that the word “intraprovincial” be changed to “interprovincial” services where the services cross the boundaries of the Province. This also relates to section 24(1)(b), as well as the Charter Services. |
| 12: Amendment of section 20 of the NLTA (No. 5 of 2009) – Establishment of the National Public Transport Regulator (NPTR) | 1. TCT | * It is averred that section 20 prescribes the National Public Transport function and sections 23 and 24 prescribe the Provincial Regulatory Entity, but there are no clauses that prescribe the Municipal Regulatory Entity. |
|  | 1. SALGA | * SALGA concurs with TCT on this clause. |
|  | 1. SAMTF | * Further clarity is required pertaining to the eligibility requirements for members of the NPTR. |
| 13: Amendment of section 21 of the NLTA (No. 5 of 2009) – Functions of National Public Transport Regulator | 1. SAMTF | * It is argued that this must include metered taxis as information collected by government is to be available to metered taxis. * It is further stated that in (c), the process of producing standardised manual should include the public participation so that operators can comment on the processes involved. |
| 15: Amendment of section 24 of the NLTA (No. 5 of 2009) – Functions of Provincial Regulatory Entities | 1. SALGA | * Subsection c refers to “operating licence”. It is submitted that other modes that need operating licences and do not belong to associations, also need to be addressed. |
| 15: Amendment of section 24 of the NLTA (No. 5 of 2009) – Functions of Provincial Regulatory Entities | 1. SAMTF   SAMTF | * It is argued that the Public Regulatory Entity (PRE) function is a problem as it was the function of the public transport Registrar which is not being done. * It is further submitted that there is a need for the current PRE function to be independent from government. * Finally, a view is expressed that there should be more detail in terms of how this needs to be done. If this is a separate function, so the argument goes, it should be clear if there is a specific person dealing with it. |
| 16: Amendment of section 27 of the NLTA (No. 5 of 2009) – Municipal land transport funds | 1. TCT | * The proposed amendment is agreed to. |
| 18: Amendment of section 36 of the NLTA (No. 5 of 2009) – Integrated transport plans | 1. TCT | * The proposed amendment is agreed to. |
| 19: Amendment of section 39 of the NLTA (No. 5 of 2009) – Relationship of public transport services | 1. SALGA | * It is maintained that the addition of subsection 3 does not cater for the situations where no licences have existed. Furthermore, the planning authority cannot take steps to cancel operating licences and permits. The text should rather state that, *upon recommendation/request of the planning authority, the regulatory entity shall take steps/measures to cancel*…. |
| 19: Amendment of section 39 of the NLTA (No. 5 of 2009) – Relationship of public transport services | 1. TCT   TCT | * It is recommended that section 39(3) state that, upon recommendation/request of the planning authority, the regulatory entity shall take steps/measures to cancel…. |
|  | 1. SAMTF | * It is proposed that in (c), the process of rationalising public transport vehicles will be considered as 4 plus 1 (mini bus taxi) should they not have a meter. An argument is advanced that metered taxis should have meters. * All metered taxis should make use of both the sealed meters, as well as the technology available to the app-based taxis should they be dependent on the latter only. |
|  | 1. Uber | * It is submitted that section 39(1)(b) should be reworded as follows: “*allow the operator to continue providing the service and, subject to the Promotion of Justice Act , 2000 (Act No. 3 of 2000), impose a moratorium on the issuing of new licences on that route*”. |
| 20: Amendment of section 41 of the NLTA (No. 5 of 2009) – Negotiated contracts | 1. SAMTF | * It is argued that the amendment does not apply to metered taxis although the Act does not specifically state this, hence clarity is sought as to what modes of public transport this applies to. * Will metered taxis be subsidised, which ordinarily cannot be as the contracts mentioned herein do not apply to singular metered taxis. |
| 21: Insertion of new section 41A in the NLTA (No. 5 of 2009) | 1. TCT | * There is an agreement with the proposed section 41A – stopgap contracts. |
| 22: Amendment of section 42 of the NLTA (No. 5 of 2009) – Subsidised service contracts  22: Amendment of section 42 of the NLTA (No. 5 of 2009) – Subsidised service contracts | 1. SALGA   SALGA | * It is submitted that the clause about “substantive provision” in subsection b is vague. In the context of negotiations, this can be very long and cumbersome. There is a need to identify what the problem is that this clause is seeking to address. * The amendment to section 42 of the principal Act brings in a new dynamic to the process, where the MINMEC agreement of initial negotiation has been excluded and the subsidised services to be put out to tender, so it is argued. |
| 25: Amendment of section 46 of the NLTA (No. 5 of 2009) – Existing contracts arrangements | 1. TCT | * The proposed amendments are agreed to. |
| 26: Substitution of section 47 of the NLTA (No. 5 of 2009) – Rationalisation of existing services: general | 1. SALGA | * It is contended that the amendments proposed in section 47 have the following implications: * The principal Act states 7 years from the commencement of that Act which is 2016 – the current year. * If the proposed amendment goes through, it will mean that the time period is shifted from 2016 to 2020. * This will have serious financial and operating consequences * It is thus recommended to change it to 2 years, unless already concluded. |
| 26: Substitution of section 47 of the NLTA (No. 5 of 2009) – Rationalisation of existing services: general | 1. TCT | * SALGA’s sentiments are echoed by TCT pertaining to clause 26. |
| 27: Amendment of section 48 of the NLTA (No. 5 of 2009) – Rationalisation of existing scheduled services | 1. SALGA | * It is suggested that the scheduled non-contracted service indicated in section 48 (2)(a) should be defined as part of the definitions as there is no clarity in the Act as to what these services are. |
| 28: Amendment of section 49 of the NLTA (No. 5 of 2009) – Rationalisation of minibus taxi-type services | 1. SAMTF | * SAMTF raises objection to the popularisation of the “uber” name as it has been identified as not the only taxi hailing provider. * It would be best to refer to the taxis as app-based taxis. |
| 29: Amendment of section 51 of the NLTA (No. 5 of 2009) – Entities that must issue operating licences | 1. TCT | * The proposed amendment is agreed to. |
| 31: Amendment of section 54 of the NLTA (No. 5 of 2009) – Application for new operating licence  31: Amendment of section 54 of the NLTA (No. 5 of 2009) – Application for new operating licence | 1. TCT   TCT | * It is recommended that in section 54(2), after the words “wholly within the area of jurisdiction”, the following words be added:   or emanating from the area but within the boundaries of the Province in which the Municipality is situated. |
|  | 1. SALGA | * In section 54(2) after the phrase ‘wholly within the area of jurisdiction”, add the words or emanating from the area but not going interprovincial. |
|  | 1. SAMTF | * It is contended that Members always have to apply to the NPTR. * The operating licences are to be as wide as possible. * Clarity is sought from the Bill as to why metered taxis are not properly covered and this needs to be specifically addressed. * Specific categories or reference should be made to enable operating licences across the board. * Metered taxis should be given the opportunity to choose where to travel without being prejudiced. |
| 31: Amendment of section 54 of the NLTA (No. 5 of 2009) – Application for new operating licence | 1. Uber   Uber | * It is proposed that section 54(5)(e) be amended as follows:   “*e” specify the vehicle or [exact type] category of vehicle to be used for providing the services concerned*”. |
| 36: Amendment of section 62 of the NLTA (No. 5 of 2009) – Issue and contents of operating licence  36: Amendment of section 62 of the NLTA (No. 5 of 2009) – Issue and contents of operating licence | 1. SALGA | * It is submitted that the deletion of paragraph (f) of section 62(1) is questionable – if there is no proof of insurance cover there will be a potential increase in liabilities and safety risks. * This deletion is not agreed to. |
|  | 1. TCT | * The views expressed by SALGA on the deletion of paragraph (f) of section 62(1) are shared by TCT. |
| 38: Amendment of section 66 of the NLTA (No. 5 of 2009) – Metered taxi services | 1. TCT | * The proposed amendments are agreed to. |
|  | 1. SALGA | * It is asserted that the use of a term “prescribed” in paragraph cA would have been better if it was in the Act. |
| 38: Amendment of section 66 of the NLTA (No. 5 of 2009) – Metered taxi services | 1. SAMTF   SAMTF | * SAMTF insists that every metered taxi must have a meter. * E-hailing applications must be continually connected if there is an area with no continuous network then the passenger will be disadvantaged. Meter is mechanical, thus passenger will not be prejudiced. * Map books must be used as a fall back in areas where GPS is not functional. * What is the criteria to determine “function optimally” – other operators operate on private networks? * It is argued that in (iv), has double cc on electronic – this must be rectified. |
| *Amendment of section 70 of the NLTA (No. 5 of 2009) – Tuk tuks*  *Amendment of section 70 of the NLTA (No. 5 of 2009) – Tuk tuks[[1]](#footnote-1)*  *Amendment of section 70 of the NLTA (No. 5 of 2009) – Tuk tuks* | 1. SALGA   SALGA  SALGA | * The following amendment to section 70 is proposed:   planning authorities to develop guidelines on how tuk tuks can be integrated in the area of jurisdiction, and prescribe the services for which they can be used, and how these services can be operated. The guidelines should address the scope and range of operations, and prescribe the distance, for example not more than 5 km radius.  The criteria and conditions must address the following critical issues to ensure that the introduction of two and three wheeler public transport is undertaken successfully:   * Safety of passengers and other road users. * Unfair competition with other public transport operations (and without consultation) * Impact on the surrounding land use * Vehicles must be SABS approved in respect of safety standards * Drivers must have Professional Driver Permits * The Province must advertise the application and hear the views of interested parties, as per the NLTA regulations * Ranking, holding and loading areas for the service must be available and be designed by the City where on street [*sic*]; and * All operators should not operate along routes of more than 5 km or over a radius greater than 5 km. * The operating licences for tuk-tuks may include conditions prescribed by the planning authority in line with their guidelines. |
| *Amendment of section 72 of the NLTA (No. 5 of 2009) – Transporting of scholars, students, teachers and lecturers[[2]](#footnote-2)* | 1. SALGA | * Section 72 should be clearly defined, especially for non-subsidised scholar transport to be regulated. |

1. This is a proposed new clause of the Bill. [↑](#footnote-ref-1)
2. SALGA proposes a new clause of the Bill. [↑](#footnote-ref-2)