

**PROPOSED AMENDMENTS TO  
ECONOMIC REGULATION OF TRANSPORT BILL**

**[B01-2020]**

**Tuesday, 7 September 2021**

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**CLAUSE 1**

1. On page 6, from line 11 to 12, after “facility” to omit “of an infrastructure or resource owner”.
2. On page 7, in line 7, after “place” to insert “or platform”.
3. On page 7, after line 13, to insert the following definition: “**National Land Transport Act**” means the National Land Transport Act, 2009 (Act No. 5 of 2009);”.
4. On page 7, in line 27, after “(a)” to insert “which is”.

**CLAUSE 2**

1. On page 8, in line 12, to omit “, 1999”.
2. On page 8, in line 13, to omit “, 1999”.

**CLAUSE 4**

1. On page 9, after line 40, to insert the following subsections:

“(11) (1) The Minister may, in consultation with the Regulator, from time-to-time, by notice in the *Gazette*, declare that regulators, in no particular order, are consolidated into the Regulator–

(a) including the following regulators, but not limited to:

(i) Cross-Border Road Transport Agency;

(ii) National Public Transport Regulator;

(iii) Air Service Licensing Council;

(iv) International Air Services Council; and

(v) any other.

(b) if the Minister has determined that either of the following circumstances apply the Department must produce a report from conducting a review of performance and capabilities to incorporate regulators in three years from the effective date and from time-to time, thereafter.

(2) Before the Minister may consider making a determination contemplated in subsection (1), the Department, in the prescribed manner and form-

(a) must publish the relevant report contemplated in subsection (b)(i) in a *Gazette*, within the prescribed period;

(b) must publish, in the *Gazette*, a notice that such a determination is being considered, and invite public submissions in response to the notice; and

(c) may conduct public hearings on the matter in appropriate circumstances.”

## **CLAUSE 6**

1. On page 10, in line 9, after “prescribe” to insert “reasonable”.

**CLAUSE 16**

1. On page 14, in line 34, to omit “must” and to substitute “may”.

**CLAUSE 30**

1. On page 19, in line 9, after “Within” to omit “20” and to substitute “30”.

**CLAUSE 50**

1. On page 28, from lines 19 to 20, to omit “, 1999 (Act No. 1 of 1999),”

**CLAUSE 53**

1. On page 29, from lines 15 to 16, to omit “, 1999 (Act No. 1 of 1999)”

**CLAUSE 54**

1. On page 29, in line 34, to omit “or must”.

**CLAUSE 56**

1. On page 30, in line 27, after “Chief Executive Officer” to insert “,the Regulator”.

**CLAUSE 64**

1. On page 33, in line 43, to omit "connection with an" and to substitute with "obstruction of an".

2. On page 33, in line 49, after “of section” to substitute "53" with “55”.

## **SCHEDULE 1**

1. On page 36, from lines 8 to 10, to underline the following words:  
“Transport Economic Regulator established by section 29 of the  
Economic Regulation of Transport Act, 2020”.
2. On page 36, in line 16, after “46.” to insert “**[(1)]**”.
3. On page 36, from lines 18 to 19, to underline the following words:  
“, or prescribed in terms of the Economic Regulation of Transport Act,  
2020”.
4. On page 36, from lines 26 to 28, to underline subsection (1).
5. On page 36, from lines 31 to 34, to underline subsection (2).
6. On page 36, in line 40, to omit “—” and to substitute the “  ”.
7. On page 36, from lines 41 to 46, to underline paragraphs (a) and (b).
8. On page 36, from lines 48 to 50, to underline subsection (2A).
9. On page 36, from lines 52 to 55 and on page 37 from lines 1 to 9, to underline subsections (6),(7) and (8).
10. On page 37, from lines 12 to 21 to underline subsections (6A) and (6B).

11. On page 37, from line 24 to 26, to underline subsection (6).
12. On page 37, from lines 30 to 32 to omit subsection (1) and to substitute the following subsection:

“72. (1) The **[Authority]** Regulator—  
Must prepare a proposed price control for approval by the  
Regulator in terms of the Economic Regulation of Transport  
Act, 2020.”

13. On page 37, from lines 38 to 40, to underline the following words:

“, the Transport Economic Regulator established by section 29  
of the Economic Regulation of Transport Act, 2020”.

14. On page 37, from lines 45 to 50, to underline subsection (1).

15. On page 37, from lines 52 to 54, to underline subsection (1A).

16. On page 37, from line 58 to page 38 from line 1 to omit clause (1)

and to substitute the following clause:

“(1) Section 1 of the Airports Company Act, 1993 (Act No. 44  
of 1993) is hereby amended by—  
(a) by the deletion of the definition of “Committee”; and  
(b) by the insertion after the definition of “permission” to insert  
the following definition:

“‘Regulator’ means the Transport Economic  
Regulator established by section 29 of the  
Economic Regulation of Transport Act, 2020;”.

17. On page 38, from lines 9 to 11, to underline the following words:

“except in accordance with a price control approved and published in terms of the Economic Regulation of Transport Act, 2020”.

18. On page 38, from lines 28 to omit paragraph (b) and to substitute the following paragraph:

“(b) [make recommendations to the Minister] may request advice from the Transport Economic Regulator, in terms of the Economic Regulation of Transport Act, 2020, regarding any action [which he] that the Minister may take in terms of subsection (3) or (4).”.

19. On page 38, from lines 36 to 38, to underline the following words:

“file a complaint with the Transport Economic Regulator in terms of section 16 of the Economic Regulation of Transport Act, 2020”.

20. On page 38, from lines 45 to 47, to omit clause (1) and to substitute the following clause:

“(1) Section 1 of the Air Traffic and Navigations Services Company Act, 1993 (Act No. 45 of 1993) is hereby amended by—

(a) the deletion of the definition of “Committee”; and

(b) the insertion after the definition of “permission” to insert the following

definition:

“‘Regulator’ means the Transport Economic Regulator established by section 29 of the Economic Regulation of Transport Act, 2020.”

21. On page 38, from lines 52 to 54, to underline the following words:

“except in accordance with a price control approved and published in terms of the Economic Regulation of Transport Act, 2020.”.

22. On page 38, from lines 58 to 61, and on page 39, from lines 1-3, to omit subsection (1) and to substitute with the following subsection:

“(1) If the company has indicated in a business plan contemplated in section (7) that it intends to close or sell any air navigation infrastructure mentioned in section 6(1)(a) or to terminate or substantially curtail an air traffic service or air navigation service which was rendered by the State or any person on behalf of the State immediately prior to the transfer date, the company shall at the same time as it submits such business plan to the Shareholding Minister in terms of section 7, submit a copy thereof to the [Committee] Minister.”.

23. On page 39, from lines 10 to 13, to omit paragraph (b) and to substitute the following paragraph:

“(b) **[make recommendations to the Minister]** may request advice from the Transport Economic Regulator, in terms of the Economic Regulation of Transport Act, 2020, regarding any action [which he] that the Minister may take in terms of subsection (3) or (4).”.

24. On page 39, from lines 17 to 21, omit subsection (1) and to substitute the following subsection:

“(1) Any person who feels aggrieved by the failure of the company to comply with any provision of section 5(2) or 11(1) [or (12)] may

**[lodge with the Committee a complaint, which shall be accompanied by proof of the failure] file a complaint with the Transport Economic Regulator in terms of section 16 of the Economic Regulation of Transport Act, 2020.**".

25. On page 39, from lines 33 to 35, to omit paragraph (a) and to substitute the following paragraph:

"(a) is determined by the **[Minister]** Transport Economic Regulator in terms of Part A of Chapter 3 of the Economic Regulation of Transport Act, 2020, on the recommendation of the Agency;"

26. On page 39, from lines 41 to 45, to underline subsection (5).

## **SCHEDULE 2**

27. On page 41, from lines 55 to 56, to omit the words ", except any assets excluded by the Minister,".