

NATIONAL LAND TRANSPORT ACT 5 of 2009

Regulation of Tourist Transport Services

28 February 2011



transport
Department
Transport
REPUBLIC OF SOUTH AFRICA

1

CONTENTS

1. Background
2. General requirements of the Act
3. Submitting applications to tourism authorities
4. Requirements for accreditation
5. Monitoring of accredited operators
6. Application for renewal of accreditation
7. Certification of vehicles
8. Operating licences for tourist transport vehicles
9. Cancellation of accreditation
10. Call Centre
11. Transitional issues
12. Ongoing challenges



transport
Department
Transport
REPUBLIC OF SOUTH AFRICA

2

1. Background

- Tourism took off exponentially since the early 1990s
 - From 1990 to date we have seen an 8 fold growth in tourism
 - The institutional structures that had oversight over transport for reward were struggling to keep up
 - Tourism transport was recognised in the Moving South Africa Action Report, but the legislation still located it with commuter transport
 - Severe capacity and delivery problems at OLBs were strangling the growth of tourism transport

1. Background cont.

- In 2006 the Parliamentary PCOT instructed the Department to formulate an appropriate framework for tourist transport
- Task Team established:
 - A joint DoT / DEAT / DTI task team was established with support from SATSA and SABOA
 - Full and widespread consultation
 - Position paper prepared, and principles agreed upon taken up in the NLTA
 - Industry satisfied that tourism transport is now properly dealt with in the NLTA

1. Background cont.

- Accreditation of operators:- i) Operational and ii) Technical:

Operational

- Prove you understand tourism (danger of using tourism as easy route around the commuter requirements)

- Documentation to support claims

Technical

- Initial and regular on-site technical inspection

- Check the capability and ability of the operator to provide a safe and competent service to tourists for reward

- Inspect maintenance facilities (includes vehicles maintained at commercial service centres)

1. Background cont.

- NLTA came into operation on 8 Dec 2009
- Regulations for FIFA World Cup contributed to a safe and successful event
- NPTR is critical:

- A KEY part of the NLTA and its separation of tourism is the new institutional structure to "house" tourism transport - the National Public Transport Regulator (NPTR)

- A national body (tourism recognised as a national competency)

- Will do the accreditation and undertake inspections

- Must have its own staff and inspectors – Institution within the Department

- Vital to get the right persons with the right skills and transport experience

2. General requirements of the Act

- Part 3 of Chapter 6 of the NTLA applies
- Must be read with the NLT Regulations published on 17 December 2009 (Govt Gazette 32821 Notice R.1208)
- Any person wishing to operate a tourist transport service must apply to the NPTR for accreditation
- The accreditation system will only "kick in" when the NPTR is "up and running"
- In the meantime tourist applications must be made to the PRE/OLB and treated as interprovincial applications (but with no concurrence)
- Operators must also comply with tourism legislation

2. General requirements of the Act cont.

- No one will be able to operate tourist transport services unless accredited by the NPTR after a date to be published by the Minister
- Accreditation will be personal ("fit and proper person") and technical (vehicles, facilities etc.)
- Only those who apply in the prescribed manner can be accredited
- Accreditation can be withdrawn for various reasons e.g. if operator does not comply with the Act

2. General requirements of the Act cont.

- Accreditation of an operator to be reviewed every 5 years
- Vehicles may need to have special tags or other equipment
- Vehicles will be approved and certified, and any approved vehicle can then be used by an accredited operator
- An OL is still required, but will be automatic for approved vehicles (over the counter)
- Details are in regulations

3. Submitting applications to tourism authorities

- The Act provides for the Minister to recognise tourism authorities by notice in the Gazette
- Applications must be referred to them for recommendations (if recognised)
- The NPTR may proceed if no representations are submitted within 14 days

4. Requirements for accreditation

- The Act and regs provide for both operational and technical accreditation
- Requirements are listed in reg. 33:
 - Whether applicant complies with the Act, and has an acceptable record
 - Vehicles inspected and compliant (registered, licensed, roadworthy and suitable)
 - After a date set by the Minister, applicant and drivers have passed tests
 - Acceptable maintenance programme of vehicles, and acceptable records of servicing etc.

4. Requirements for accreditation cont.

- Acceptable staff and backup facilities
- Acceptable record as an operator
- Adequate insurance
- Tax affairs in order
- Other matters required by the NPTR
- Applicant must describe livery/proposed livery – must be acceptable to promote the image of the tourist industry
- Vehicles and premises must be open for inspection at any time

5. Monitoring of accredited operators

- The NPTR must through inspectors see to regular operational and technical monitoring
- Vehicle servicing must be checked on an ongoing basis
- Where appropriate, the operator must have maintenance and repair facilities
- Smaller operators to have acceptable arrangement for maintenance and repair

6. Application for renewal of accreditation

- The Act provides for renewal of accreditation every 5 years
- Application for renewal must be lodged not later than 60 days before expiry of accreditation
- The same factors must be checked in relation to technical and operational fitness as mentioned above
- Not necessary to refer renewal applications to tourism authorities

7. Certification of vehicles

- On application for accreditation, particulars of all vehicles must be given and NPTR must check them on eNaTIS
- After accreditation, an operator may apply at any time to certify additional vehicles
- A certificate and token is issued for the vehicle
- No vehicle may be operated for tourist transport without the token

8. Operating licences for tourist transport vehicles

- Where a vehicle of an accredited operator has been certified, the NPTR must issue an operating licence for the vehicle the same day or next day
- 2 originals must be issued: one to be kept in the vehicle and one file copy
- In urgent cases, OLs may be issued electronically and the operator must keep a printout in the vehicle

9. Cancellation of accreditation

- S.83 of the Act provides reasons for cancellation of accreditation
- NPTR must engage with operator to discuss the non-compliance
- The Regulations provide additional grounds for cancellation, e.g failure to comply with a condition imposed by the NPTR or habitual unroadworthiness of vehicles
- NPTR empowered to conduct investigations

10. Call Centre

- The NPTR must establish a Call Centre to receive complaints or input
- In the case of complaints, the NPTR must investigate within 48 hours
- Authorised officers must notify the NPTR of offences

11. Transitional issues

- Operators may use existing permits or OLs until accreditation is granted or refused
- If accreditation is denied, the operator's accreditation certificate, permits and OLs must be cancelled
- If an operator is not accredited by the cut-off date, existing permits and OLs will be cancelled

12. Ongoing challenges

- There are various issues and challenges facing the industry:

- Establishment of the NPTR
- AARTO implementation
- Tolls, fuel and carbon levies, VAT & Import duties
- Road conditions, road safety
- Drivers: PrDP requirements inadequate
- A Standing Committee of Experts needed to advise