



IPHALAMENDE LAKWAZULU-NATALI

KWAZULU-NATAL PROVINSIALE PARLEMENT

KWAZULU-NATAL PROVINCIAL PARLIAMENT

The National Land Transport Transition Amendment Bill [B38-2005]

Dear Chairperson, & honourable Members

The Transport portfolio committee met on the 30th of May 2006 and deliberated extensively on the National Land Transport Transition Amendment Bill [B38-2005]. Numerous issues were raised by the various parties in the committee. The following are the most salient issues that concerned the committee and that necessitated either proposed amendments or requests for clarity by the committee.

1. Clause 1 (definitions) together with clause 13(c)

With regard to clause 13(c) it was noted that the proposal is that subsection 6 be added. Subsection 6(b) essentially sets out the definition of "adapted light delivery vehicle" for the purposes of the section. It was felt by the committee that as subsection 6(b) is essentially a definition, it more properly belongs under the definitions section and not in the main body of the Act. It was therefore suggested as follows :

- a) that paragraph (b) be deleted from page 7 and that a definition of "adapted light delivery vehicle" be inserted in clause 1 as follows :

"adapted light delivery vehicle" means a light delivery vehicle that has been manufactured or modified by a registered manufacturer, registered builder or registered importer in compliance with the National Road Traffic Act, 1996 (Act No. 93 of 1996), for the conveyance of persons."

2. Clause 13(a)

This clause only provides for vehicles with a passenger capacity of 11 seated persons and more. There is no provision for vehicle types having a passenger capacity of less than 11 persons, including driver thus eliminating metered-taxis and certain other categories such as smaller tourism vehicles from being able to obtain operating licences. In order to cater for these vehicles having a passenger capacity of fewer than 9 persons, excluding the driver, it was therefore agreed that clause 13(a) be amended as follows :

To amend clause 13(a) by the insertion of a new paragraph (a) in line 3 on page 7 as follows :

"(a) fewer than 9 persons, excluding the driver;"

and to consequently renumber paragraphs "(a) to (d)" as "(b) to (e)".

3. Clause 18

It was felt that clause 18 did not belong in the bill. The technical standards for braking that are specified are not complied with by minibus vehicles. In fact they are not required to do so in terms of the Road Traffic Regulations. In view of the above it was felt by the committee that the specifications may more properly belong in the Road Traffic Act and its Regulations.

The committee thus requires comment on whether this is advisable and whether there are any other compelling reasons for retaining the clause in the bill as it is. Alternatively if it is decided that it is advisable to retain the clause should the word "operations" not be substituted by the word "services"

4. Clause 19

It was suggested that special consideration be given to tourism vehicles in view of the importance of the sector and the fact that tourism vehicles are produced in different seating capacities depending on the manufacturers specifications. In view of the above it was debated and suggested by some that the bill should allow for a 20% deviation with respect to tourism vehicles.

The committee thus requires clarity on whether it would be permissible to permit a 20 % deviation in passenger capacity to the vehicle being replaced, where the vehicle has an operating licence for a charter service or a tourism service.



Mr O Singh
Chairperson: Transport Portfolio Committee
Kwazulu-Natal Parliament