

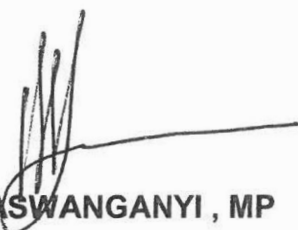
PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. R. 26 OF 2017

THE NATIONAL LAND TRANSPORT ACT, 2009

REGULATIONS ON COLOUR CODING AND BRANDING FOR MINIBUSES AND MIDIBUSES USED FOR MINIBUS TAXI-TYPE SERVICES, 2017

The Minister of Transport has, in terms of section 8(1)(h) of the National Land Transport Act, 2009 (Act No. 5 of 2009), after consultation with the MECs, made the regulations in the Schedule hereto.



MR JOE MASWANGANYI, MP

MINISTER OF TRANSPORT

DATE: 15/08/2017

Schedule

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and, unless the context otherwise indicates—

“midibus” means a midibus as defined in the Act;

“minibus” means a minibus as defined in the Act;

“minibus taxi-type service” means a minibus taxi-type service as defined in the Act;

“National Road Traffic Regulations” means the National Road Traffic Regulations as published in Government Notice No. R. 225 of 17 March 2000 and made under the National Road Traffic Act;

“public transport service” means public transport service as defined in the Act;

“scheduled service” means scheduled service as defined in the Act; and

“the Act” means the National Land Transport Act, 2009 (Act No. 5 of 2009).

Application of Regulations

2. (1) These Regulations must apply only to minibuses and midibuses used for minibus taxi-type services, and must not apply to any other type of vehicles used for any other type of public transport service.

(2) Where the relevant operating licence allows for a vehicle to operate more than one type of service as contemplated in section 50(2) of the Act, of which one service is a minibus taxi-type service, these Regulations will apply to that vehicle.

(3) In the case of a conflict between these Regulations and the National Road Traffic Regulations, the National Road Traffic Regulations, will take precedence.

Colour coding and branding

3.(1) No person shall operate a minibus or midibus, the date of first registration of which is after a date calculated as six months after the date of publication of these regulations in the *Gazette*, on a public road for a minibus taxi-type service unless—

- (a) the standard colour of the vehicle is white; and
- (b) stickers depicting the South African national flag are displayed on the vehicle in accordance with subregulation (2).

(2) The stickers referred to in subregulation (1) (b) must

- (a) be no larger than 300 millimetres in height and 300 millimetres in length;
- (b) be affixed to the vehicle and kept displayed on the side of both front doors below the window level of the vehicle; and
- (c) depict the flag correctly displayed as prescribed in Schedule 1 of the Constitution.

Advertising on minibuses and midibuses used for minibus taxi-type services

4. (1) Advertising is permitted on any minibus or midibus used for minibus taxi-type services, subject to sub regulations (2) and (3).

(2) Advertisements must only appear on the side panels or sliding door to the rear of the driver and to the rear of the front seat passenger doors.

(3) Translucent advertising may only be applied to the rear window of a minibus or midibus operating minibus taxi-type services: Provided that the material or film of the advertisement complies with regulation 202(3) of the National Road Traffic Regulations.

Permissible logos and livery

5. A minibus or midibus used for minibus taxi-type services may display the following:

- (a) One sticker or mark not larger than 225 square centimetres depicting the name and logo of the association to which the operator belongs which may include the route number or description, and which may be displayed anywhere on the vehicle; and
- (b) one sticker or mark not larger than 225 square centimetres depicting the name and coat of arms of the municipality or province in which the operations take place and which may be placed anywhere on the vehicle.

No other advertising, logos, stickers, distinguishing marks, identification or livery permissible

6.(1) No advertising, logo, sticker, distinguishing mark, identification or livery may be painted or displayed on a vehicle other than those authorised by these Regulations or permitted in terms of any other law,

(2) Despite these Regulations, any logo, sticker, distinguishing mark, identification or livery that was attached to or displayed on a vehicle in terms of the regulations repealed by regulation 9 of these Regulations or in terms of any other law, may continue to be so displayed.

Maintenance of body paint, stickers and marks

7.(1) The operator of a vehicle contemplated in these Regulations must maintain the body paint and the stickers or marks contemplated in these Regulations in such a condition that they are presentable and the letters and figures on them, if any, are clearly legible at all times.

(2) Should the body paint or any stickers or marks on a vehicle become defaced, illegible or otherwise damaged to make them unclear or unsightly, the operator of the vehicle must repaint the vehicle or replace the sticker or mark, as the case may be.

Offences

8. An operator who contravenes or fails to comply with these Regulations is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months.

Repeal

9. The Distinguishing Marks for Mini-Bus and Midi-Bus Regulations published in Government Notice No. R.35 of 19 January 2007, are hereby repealed.

Short title and commencement

10. These Regulations are called the Regulations on Colour Coding and Branding for Minibuses and Midibuses used for Minibus Taxi-type Services, 2017 and shall come into operation on the date of publication thereof but subject to regulation 3 (1).

ISAZISO SIKAHULUMENI**UMNYANGO WEZOKUTHUTHA****UMTHETHO KAZWELONKE WEZOKUTHUTHA EZWENI WONYAKA WE-2009****IZIMISO NGOKUPENDA NGEMIBALA EHLUKILE KANYE NANGOMAKI
ABAPHAWULAYO AMAKHUMBI NAMABHASANA ASETSHENZISELWA USIZO
LOHLOBO LAMATEKISI ZONYAKA WE-2017**

UNgqongqoshe Wezokuthutha, ngokuxhumana nama-MEC lapha, ngokwesahluko sesi-8 (1)(h) soMthetho Kazwelonke Wezokuthutha Ezweni wonyaka we-2009 (uMthetho wesi-5 wonyaka we-2009), wenze iZimiso ezikusheduli elapha.

MNUMZANE JOE MASWANGANYI, MP

UNGQONGQOSHE WEZOKUTHUTHA

USUKU:

Isheduli

Izincazelo

1. Kule mibandela, nanoma iliphi igama noma okushiwo okunikwe incazelo okuyinikiwe eMthethweni, kuzoba nencazelo okunikwe yona futhi, ngaphandle uma indikimba ikhomba okuhlukile —

“ibhasana” isho ibhasana njengoba lichazwa nguMthetho;

“ikhumbi” “ isho ikhumbi njengoba lichazwa nguMthetho;

“amakhumbi asetshenziselwa usizo lohlobo lamatekisi” asho amakhumbi asetshenziselwa usizo lohlobo lamatekisi njengoba echazwa nguMthetho;

“IZimiso Zikazwelonke Zabasebenzisa Umgwaqo” zisho iZimiso Zikazwelonke Zabasebenzisa Umgwaqo njengoba zishicilelwe kwiSaziso Sikahul;umeni ezunombolo R. 225 somhla zi-17 Mashi 2000 futhi zenziwe ngaphansi koMthetho Kazwelonke Wabasebenzisa Umgwaqo;

“usizo lwezokuthuthwa komphakathi” lusho usizo lwezokuthuthwa komphakathi njengoba luchazwa nguMthetho;

“usizo okufakwe kusheduli” lusho usizo okufakwe kusheduli njengoba luchazwa nguMthetho;

“uMthetho” usho uMthetho Kazwelonke Wezokuthutha Ezweni wonyaka we-2009 (uMthetho wesi-5 wonyaka we-2009).

Ukusetshenziswa Kwezimiso

2. (1) Lezi zimiso zizosetshenziswa kuphela kumakhumbi namabhasana zisetshenziselwa izinsizakalo zohlobo lamatekisi, futhi azizokusetshenziswa kunoma iluphi olunye uhlobo lwezimoto kunoma iluphi olunye uhlobo lwezizakalo zokuthuthwa komphakathi.

(2) Lapho imvume efanele yokusebenza ivumela imoto ukuba isebenze ngaphezulu kohlobo olulodwa losizo njengoba kucatshangwa kusahluko sama-50(2)

soMthetho, okunguthi olunye losizo lamabhasana awuhlobo lamatekisi, lezi Zimiso zizosebenza kuleyo moto.

(3) Ezimweni zokungqubuzana okuphakathi kwalezi Zimiso neZimiso Zikazwelonke Zabasebenzisa Umgwaqo, iZimiso Zikazwelonke Zabasebenzisa Umgwaqo, zizoba namandla.

Ukufakwa kwemibala ehlukenene kanye nomaka ukuphawula

3.(1) Akekho umuntu ovunyelwe ukuba asebenzise ikhumbi noma ibhasana, usuku lalo lokuqala lokubhaliswa lungemuva kosuku olubalwe njengezinyanga eziyisithupha ngemuva kokuba lezi zimiso zifakwe kuGazethi, emgwaqeni kahulumeni osetshenziselwa usizo lohlobo lamakhumbi angamatekisi ngaphandle uma–

- (a) umbala ojwayelekile wemoto ungomhlophe; futhi
- (b) izitikha ezikhombisa ifulegi likazwelonke laseNingizimu Afrika likhangiswe emotweni ngokuhambelana nesimiswana sesi-(2).

(2) Izikhombisa okukhulunywe ngazo kusimiswana soku-(1) (b) zifanele

- (a) zibe zinde zedlule amamilimitha angama-300 ukuphakama kanye namamilimitha angama-300 ubude;
- (b) zinanyathiselwe emotweni futhi zigcinwe zikhangisiwe kuwo yomibili iminyango yaphambili ngaphansi kwezinga lamafasitela emoto, futhi
- (c) zikhombise ifulegi lime ngendlela efanele njengoba kumiiswe iSheduli yo-1 yoMthethosisekelo.

Ukukhangisa emakhumbi namabhasana asetshenziselwa usizo lohlobo lamatekisi

4. (1) Ukukhangisa kuvunyelwe kunanoma imaphi amakhumbi namabhasana asetshenziselwa usizo lohlobo lamatekisi, kuye ngesimiswana sesi-(2) nesesesi-(3).

- (2) Izikhangiso kufanele kubonakala kuphela kumaphanela amacala noma omyango oshushuluzayo ukuya kumshayeli futhi ukusuka emuva ukuza eminyango yabagibeli yangaphambili.
- (3) Ukukhangisa okuluvindi kungasetshenziswa kuphela efasiteleni langemuva lekhumbi noma lebhasana elisebenza ngezinsizakalo zohlobo lamatekisi: ngaphandle uma okusetshenzisiwe noma ungwengwezi lwesikhangiso luhambisana nesimiso sama-202(3) seZimiso Zikazwelonke Zabasebenzisa Umgaqo.

Amalogo noma amadizayini avumelekile

5. Ikhumbi noma ibhasanal asetshenziselwa usizo lohlobo lamatekisi ingakhombisa okulandeyo:

- (a) Isitikha noma umaka owodwa ongekho mkhulu ukudlula amasentimitha yizikwele angama-225 okukhombisa igama nelogo kasosiyeshini lapho umsebenzisi eyilungu khona okungabandakanya inombolo nencazelo yomgwaqo, okungakhonjiswa noma ikuphi emoteni; kanye
- (b) Isitikha noma umaka owodwa ongekho mkhulu ukudlula amasentimitha yizikwele angama-225 okukhombisa isiphandla sikamasipala noma sesifundazwe lapho kusetshenzwa khona futhi okungafakwa noma ikuphi emoteni; kanye

Akukho okunye ukukhangisa, amalogo, izitikha, omaka abaphawulayo, ukuhlonzwa noma idizayini okuvunyelwe.

6.(1) Akukho okunye ukukhangisa, amalogo, izitikha, omaka abaphawulayo, ukuhlonzwa noma idizayini ingapendwa emotweni kunalakho okugunyazwe yilezi Zimiso noma okuvunyelwe ngokwanoma imuphi omunye umthetho.

(2) Ngaphandle kwalezi Zimiso, nanoma iyiphi ilogo, isitikha, umaka ophawulayo, ukuhlonzwa noma idizayini okade kufakiwe noma kunanyathiselwe emotweni ngokwezimiso ezichithiwe ngokwesimiso sesi-9 salezi Zimiso noma ngokwanoma imuphi omunye umthetho, okungaqhubeka kukhonjiswe.

Ukuvuselelwa kopende womzimba, izitikha kanye nomaka abakhethekile

7.(1) Umsebenzisi wemoto ecatshangwa kulezi Zimiso ufanele ufanele agcine upende womzimba kanye nezitika noma omaka abacatshangwa kulezi Zimiso esimweni esinjengaleso esethulekayo kanye nezinhlamvu nezinombolo ezikukho, uma nanoma kukhona, kufundeka ngokucacile ngaso sonke isikhathi.

(2) Uma upende wemoto noma nanoma iziphi izitikha noma omaki abasemotweni baguge, bangasafundeki noma balimale nganoma indlela ebona bengabe besacaca, umsebenzisi wemoto ufanele apende kabusha imoto noma afake esinye isitikha noma umaka esikhundleni somdala, njengoba isimo sinokwenzeka.

Amacala

8. Umsebenzisi owephula noma owehluleka ukuhlonipha lezi Zimiso unecala futhi ekutholweni enecala angakhokhiswa inhlawulo noma aboshwe isikhathi esingekho ngaphezulu kwezinsuku ezimashumi amathathu.

Ukuchithwa

9. IZimiso Zomaka Abakhethekile Bamakhumbi Namabhasana zashicilelwaa ngeSaziso Sikahulumeni esingunombolo u-R.35 somhla zi-19 Januwari 2007, lapha siyachithwa.

Isihloko esifushane kanye nokuqaliswa

10. Lezi Zimiso zibizwa zibizwa iZimiso Zokupenda Ngemibala Ehlukile Kanye Nangomaki Abaphawulayo Amakhumbi Namabhasana Asetshenziselwa Usizo Lohlobo Lamatekisi Zonyaka We-2017 futhi zizoqala ukusebenza ngosuku ezizokushicilelwa ngalo kodwa kuye ngesimiso sesi-3 (1).