

DEPARTMENT OF TRANSPORT

NOTICE 2861 OF 2024

NATIONAL LAND TRANSPORT ACT, 2009 (ACT No. 5 OF 2009)

SECOND NATIONAL LAND TRANSPORT REGULATIONS, 2024

The following draft regulations are hereby published for public comment in terms of section 8(2) of the National Land Transport Act, 2009 (Act No.5 of 2009). All interested persons are invited to submit comments relating to the draft regulations within 30 days from the date of publication hereof to:

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SECOND NATIONAL LAND TRANSPORT REGULATIONS, 2024

I, Barbara Creecy, the Minister of Transport, after consultation with the MECs hereby make the regulations in the Schedule hereto in terms of section 8 of the National Land Transport Act, 2009 (Act No. 5 of 2009) ("the Act")

MS B CREECY, MP
MINISTER OF TRANSPORT

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Definitions

1. In these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act, has the same meaning, and the following words and expressions have the meanings assigned to them:

"Minimum Requirements" means the Minimum Requirements for the Preparation of Integrated Transport Plans, 2016 promulgated in terms of the Act and published under Notice 881 in *Government Gazette* 40174 of 29 July 2016;

"National Land Transport Regulations, 2009" means the National Land Transport Regulations, 2009 made in terms of the Act under notice R.1208 in *Government Gazette* 32821 of 17 December 2009 as amended by notice R.366 in *Government Gazette* 33185 of 14 May 2010 and by notice 2670 in *Government Gazette* 51003 of 2 August 2024, and

"the Act" or **"this Act"** means the National Land Transport Act, 2009 (Act No. 5 of 2009).

CHAPTER 1: REGULATIONS ON CONTRACTING FOR PUBLIC TRANSPORT SERVICES

Definitions for Chapter 1

2. In this Chapter, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act or in regulation 1, has the same meaning, and the following words and expressions have the meanings assigned to them:

"affected operator" as contemplated in section 41(2) of the Act means an operator who—

- (a) holds valid operating licences or permits to provide the affected services;
- (b) has been providing those services for at least 180 days prior to the date of a notice published in terms of regulation 3(2)(b);
- (c) in the case of a contract contemplated in section 41(1)(a) or (c) of the Act provides services on a route or routes or in the area that will be affected by the proposed negotiated contract and who picks up or sets down passengers on that route or routes in the area concerned and is not merely traversing the route or area, and
- (d) in the case of a contract contemplated in section 41(1)(b) of the Act is an operator contemplated in paragraphs (a) and (b) and (c) of this definition who also is a small business operator or is a person previously disadvantaged by unfair discrimination;

“**appropriate**” in section 41(2) of the Act means that operators who are not affected operators must be excluded from the negotiations contemplated in section 41(2) of the Act as contemplated in section 41(2)(a) thereof;

“**CITP**” means a comprehensive integrated transport plan contemplated in the Minimum Requirements;

“**cross-boundary service**” means a public transport service or network of services that crosses the boundary of the area of jurisdiction of one municipality into that of another municipality or municipalities;

“**DORA**” means the Division of Revenue Act contemplated in section 214(1) of the Constitution for the financial year in question;

“**Grant Framework**” means the Grant Framework published for the financial year in question in terms of DORA, and

“**IGRFA**” means the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005).

Requirements for contracts

3. (1) Before entering into a contract in terms of section 41 or 42 of the Act the contracting authority must—

- (a) in the case of a municipality, develop and finalise its integrated transport plan and obtain approval thereof as required by section 36 of the Act read with the Minimum Requirements where it has not already done so and, where relevant, update the integrated transport plan in the manner required by the Minimum Requirements, but subject to section 93(4) of the Act;
- (b) ensure that the services contemplated in the proposed contract are in line with and are provided for in the relevant sections of the CITP and in particular and where relevant, the transport needs assessment, the contracted services plan the operating licences plan and the travel demand management strategy which must be included in the CITP in terms of the Minimum Requirements;
- (c) in the case of a municipality required by the Minimum Requirements to prepare a CITP, ensure that the public transport plan component of the CITP encompasses and incorporates an integrated public transport network plan as required by section 8.1 of the Minimum Requirements;
- (d) make provision for the incorporation of the requirements and conditions promulgated in the Grant Framework for the Public Transport Network Grant in respect of the subsidy funding for the proposed services published in terms of the relevant DORA;
- (e) prepare an operational and business plan as contemplated in the Grant Framework that complies with regulation 4;

- (f) conduct surveys on the route or routes or area or areas in question to compile a list, insofar as possible, of affected operators, and a list of the associations that represent those affected operators, and
- (g) consult with the relevant Public Transport Integration Committee (PTIC) or Committees established in terms of the Grant Framework published under the relevant Division of Revenue Act and referred to in subsequent Grant Frameworks published under relevant DORA's, as well as the Intermodal Planning Committee established for the relevant municipality or municipalities in terms of section 15 of the Act and any relevant Land Transport Advisory Boards established in terms of section 16 of the Act.

(2) Before entering into a negotiated contract in terms of section 41 of the Act, the contracting authority must—

- (a) take the steps listed in sub-regulation (1);
- (b) publish a notice in one or more newspapers circulating in the area or areas where the proposed services will be provided inviting affected operators to register with the contracting authority by a date stated in the notice, and
- (c) after having conducted surveys of all relevant operators operating on the relevant routes or in the relevant area or areas as contemplated in paragraph 1(f), compile and keep a register of affected operators with their contact details and, where applicable, the contact details of their representatives or the representatives of the associations to which they belong, if such representatives are authorised in writing by the operator concerned by submission of a special power of attorney.

(3) For the purposes of sub-regulation (2)(c), in the case where an operator holds an operating licence authorizing a number of routes, the contracting authority may have regard to the routes applied for by the operator when he, she or it applied to the regulatory entity for the licence, in determining whether the operator is an affected operator.

(4) The contracting authority must then negotiate with such affected operators, either individually or through their representatives or associations, with a view to concluding an agreement with the operators that may include offering them one or more of the following:

- (a) Alternative services to those that will be provided in terms of the contract as contemplated in section 39(1) of the Act;
- (b) shares or loan accounts in the operating company or companies or entity or entities that will be established or appointed to provide the services in terms of the contract, or

(c) compensation or another appropriate inducement.

(5) The contracting authority may address a written offer to an operator or operators contemplated in sub-regulation (2) stating a date for acceptance of the offer, which notice must be delivered to the operator or his, her or its representative or person representing the operator's association authorised in terms of sub-regulation (2)(c) at the physical or email address registered in terms of that sub-regulation.

(6) Where an operator to whom an offer has been addressed in terms of sub-regulation (5) fails to accept the offer or to reply to the notice by the date stated for acceptance, the operator will be deemed to have rejected the offer and the contracting authority will not be obliged to negotiate with that operator any further.

(7) Where an operator accepts an offer contemplated in sub-regulation (2), the agreement contemplated in that sub-regulation must include an undertaking by such operator to submit the operating licences or permits held by that operator authorising services on the route or routes that will be operated in terms of the proposed contract, for cancellation, amendment or conversion, as the case may be, to remove authorisation for any services that will compete with the services to be provided in terms of the contract.

(8) Where an operator contemplated in sub-regulation (7) continues operating public transport services on a route or routes in violation of an undertaking given under that sub-section or is otherwise in breach of an agreement contemplated in sub-regulation (2), the operator will forfeit any benefit granted to that operator in terms of sub-regulation (4)(b) or (c) after affording the operator a reasonable opportunity to provide reasons why the benefits should not be forfeited and if such reasons are not acceptable to the contracting authority, and the provisions of this sub-regulation must be included in such agreement.

(9) Any benefit accruing to an operator in terms of an agreement contemplated in sub-regulation (2) may not be paid or transferred to the operator until that operator has complied with sub-regulation (7), subject to sub-regulation (8).

(10) Where an operator has concluded an agreement contemplated in sub-regulation (2), the contracting authority may require the vehicles of the operator to be branded as a feeder-service or other component-service of the relevant integrated public transport network at the expense of the contracting authority.

(11) Before entering into a commercial services contract in terms of section 43 of the Act, the contracting authority must take the steps listed in paragraphs (a), (b), (c) and (f) of sub-regulation (1).

4. The operational and business plan contemplated in regulation 3(1)(e) must at least deal with—

- (a) the need and desirability for the contract which is necessary or advisable to address the needs of passengers and employers in the relevant area or on the relevant routes and reasons why existing passenger transport services are inadequate;
- (b) a reference to the transport needs assessment of the relevant ITP or ITPs and how it provides for or gives rise to the need for the contract;
- (c) the estimated financial implications of the proposed contract for the contracting authority specifically and for the fiscus generally and in the case of a negotiated contract or subsidised service contract how the contract will provide value for money in terms of the dispensing of subsidies;
- (d) as regards the financial implications of the proposed contract, a multi-year financial operational plan, approved by the municipal council in the case of a municipality, covering the full duration of the contract for each phase funded by the Public Transport Network Grant provided annually in terms of the Grant Framework and including operating and maintenance costs and universal design access plans;
- (e) verified data on operator revenue and profitability;
- (f) how the contract will promote fiscally and financially sustainable public transport services by estimating fare revenue and other expected revenue and setting it off against expected expenditure;
- (g) in the case of a negotiated contract, a short description of the negotiation process and the parties with whom negotiations were conducted;
- (h) in the case of interprovincial services, a description of engagements with and agreements between the contracting authority, the province and other relevant province or provinces and the other municipality or municipalities;
- (i) in the case of intraprovincial cross-boundary services, a description of engagements with and agreements between the contracting authority, the province and the other relevant municipality or municipalities, and
- (j) the arrangements made or to be made for supervision and monitoring of the services that will be provided in terms of the contract

Transition from existing contracting arrangements

5. (1) As required by section 42(1) of the Act a contracting authority must commence with the activities contemplated in regulation 3(1) to put in place a new contract not later than one year before the anticipated expiry of a contract where the

relevant integrated transport plan or plans show that passengers on the relevant routes or in the relevant area or areas still require contracted services.

(2) Where an adequate integrated transport plan or plans is or are not available for the purpose contemplated in sub-regulation (1) the contracting authority must use all other information available to it for the purposes of designing the contract or contracts as contemplated in section 93(4) of the Act.

(3) The contracting authority must synchronize arrangements between the old and new contract and the new contract must be phased in so that there is no break in services to the relevant passengers, and with due regard to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) and other applicable labour legislation.

(4) The contracting authority must advise passengers by means of one or more public meetings or by leaflets distributed or left at terminals, bus stops and other facilities, or by notices in local newspapers other appropriate means, of the new operator and of any changed circumstances applicable to the new contract or the changeover to the new contract.

General requirements

6. (1) In negotiating or concluding contracts in terms of the Act the contracting authority must give due regard to—

- (a) any requirements and model tender and contract documents prescribed or provided in terms of section 42(6) of the Act;
- (b) the Regulations Relating to Integrated Fare Systems, 2011 promulgated in *Government Gazette* 34363 of 17 June 2011 (Notice No. R.511);
- (c) universal design and access requirements and standards published by the Department, or by the Minister in terms of section 8(1)(y) of the Act, and those published in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and generally ensure that there is provision for the needs of targeted categories of passengers;
- (d) relevant policies to promote non-motorised transport and accessible transport regarding both public transport operations and infrastructure;
- (e) an environmental strategy and considering energy efficiency and environmental aspects such as emission standards, and should consider mandatory specifications for average fleet emissions;
- (f) fare integration between different modes and services;
- (g) the need to promote the economic empowerment of small business and persons previously disadvantaged by unfair discrimination and to prevent the rise or continued existence of monopolies created by previous unfair legislation or practices:

- (h) section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) and other applicable labour legislation during the transition from one contract to another, where relevant, and
- (i) where the proposed operator has provided services in terms of a previous contract with the contracting authority or any other organ of state, the past performance of the operator in performing that previous contract.

(2) Contracting authorities must ensure that provision is made for adequate electronic or physical monitoring of the services being provided in terms of contracts involving subsidies in the manner specified in the requirements and model tender and contract documents prescribed or provided in terms of section 42(6) of the Act and in compliance with any grant conditions published in terms of the relevant Division of Revenue Act.

(3) Stopgap contracts contemplated in section 41A of the Act must be used only in exceptional circumstances where they are necessary to provide services in the interim while the contracting authority is in the process of conducting negotiations for a negotiated contract or establishing a network, as contemplated in section 41A(1)(c) of the Act, and must not be used where they are likely to delay the conclusion of appropriate negotiated or subsidised service contracts, and may not be renewed.

(4) Where services will be provided in the areas of jurisdiction of more than one municipality in terms of the contract, the municipalities must—

- (a) conclude a written agreement between them providing at least for the financial arrangements applicable to the proposed contract between them and taking into account the provisions of the IGRFA, and
- (b) where appropriate approach the relevant province or provinces for assistance as contemplated in regulation 8.

(5) Where a proposed contract will impose financial obligations on a municipality beyond the three years covered in its annual budget the municipality must comply with section 33 of the Local Government: Municipal Finance Management Act, 2003 (Act. No. 56 of 2003).

(6) As section 41(1) of the Act provides that a negotiated contract may be concluded once only, a contracting authority may not conclude more than one negotiated contract in terms of that subsection, i.e. by concluding contracts in terms of more than one of the paragraphs (a), (b) or (c) thereof.

(7) In the case of a contract contemplated in section 41(1)(c) of the Act, national or provincial parastatal transport entities must comply with section 54 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), as well as other legislation applicable to the restructuring of parastatal entities, and municipal entities must comply with legislation applicable to their restructuring, before concluding the contract.

Requirements for tenderers

7. (1) The tender and contract documents contemplated in section 42(6) of the Act must include that to qualify as a tenderer for a subsidised service contract, an operator and, where appropriate, any person or entity exercising ownership control over an operator, or performing services on behalf of, or in the capacity as agent of, an operator must comply with the following requirements:

- (a) Must conduct public transport operations according to business principles with financial ringfencing, and
- (b) must have his, her or its tax affairs in order and be able to furnish a valid tax clearance certificate or PIN (personal identification number) issued by the South African Revenue Services.

(2) For the purposes of sub-regulation (1)(a), an operator is financially ringfenced if—

- (a) the business of the operator's undertaking is conducted separately from that of another entity or undertaking or any other organisation;
- (b) the operator keeps separate accounting records, in accordance with generally accepted accounting practice and procedures, of its assets, liabilities, income, expenditure, profits and losses;
- (c) the operator's undertaking is financially sustainable in terms of its financial statements, and
- (d) the operator has no unfair advantage as regards access to financial or other support or resources from any organ of state as defined in section 239 of the Constitution, unless such advantage is part of a scheme which applies generally, approved by the contracting authority, to protect or advance public transport operators disadvantaged by unfair discrimination or to assist small businesses.

(3) For the duration of a subsidised service contract, an operator and, where appropriate, any person or entity exercising ownership control over an operator, or performing services on behalf of or in the capacity as agent of, an operator, must—

- (a) keep separate record, in accordance with generally accepted accounting practices and procedures, of his or her or its financial position, performance, flow of funds and change in financial position;
- (b) undergo an annual audit by a person registered in terms of the Auditing Profession Act, 2005 (Act No. 26 of 2005);

- (c) comply with the requirements of sub-regulation (1), and
- (d) not enjoy an unfair advantage emanating from an organ of state, but any advantage emanating from a subsidised service contract is not deemed to be an unfair advantage for the purposes of this section.

(4) For the purpose of this regulation—

(a) “ownership control” means control by one person or entity over another as contemplated in section 2 of the Companies Act, 2008 (Act No. 71 of 2008), and

(b) “unfair advantage” means, but is not limited to—

- (i) the receipt by an operator of any direct or indirect benefit, including funds, resources, donations, grants, consideration or other advantage, whether financial or otherwise, which is not available on the same terms and conditions to all other potential operators;
- (ii) the direct or indirect guarantee or honouring of any of the obligations of the operator, including the arrangement or facilitation thereof;
- (iii) the direct or indirect provision of a loan bearing no interest, or interest at a substantially lower rate than would be available commercially to a similar operator under similar conditions, or a loan in respect of which interest payments are deferred for a period of more than six months, including the arrangement or facilitation of the granting of any such loan;
- (iv) allowing an operator to make use, or failing to prevent an operator from making use, of any public resources, including infrastructure, property, facilities, assets, human resources, systems, expertise or intellectual property, or facilitating such action, which would not be available to another similar operator on the same terms and conditions.

(5) The contracting authority must consider the fitness of the tenderer as an operator based, among other things, on the latter’s record of convictions for criminal offences of a type considered to be relevant by that authority.

Assistance by provinces

8. (1) A province may assist a municipality or more than one municipality with the conclusion of a contract or may conclude a contract as agent of a municipality or on behalf of the municipality or municipalities as contemplated by section 238(b) of the Constitution.

(2) In such a case the province and municipality or municipalities, as the case may be, must conclude a written agreement setting out the roles and obligations of the parties, taking into account the provisions of the IGRFA and including, but not limited to—

(a) the financial arrangements applicable to the proposed contract or contracts;

(b) measures that will be undertaken by the province to build capacity and resources into the municipality or municipalities as contemplated by section 154(1) of the Constitution and section 11(1)(b)(v) and (vi) of the Act, and

(c) an undertaking by the municipality or municipalities that they commit to availing resources to be capacitated in building municipal capacity or agree to take over resources that may be sourced and trained by the province for that purpose.

(3) The contract or contracts must be provided for in the integrated transport plans of the relevant municipalities and must assist in providing and integrating public transport services to the communities of the municipalities as required by the Act and the Minimum Requirements.

(4) Before signature of the proposed contract, it must be submitted to the Department and National Treasury for their comments, and the contracting authority must consider any comments that may be submitted by the Department or National Treasury as may be appropriate.

(5) The municipality must obtain a resolution from its municipal council approving the proposed contract before signature of the contract.

Transitional provisions

9. (1) A contract concluded before the date of coming into operation of these regulations remains valid until it expires or until cancelled or terminated, despite the provisions of these regulations.

(2) Negotiations conducted with operators by a contracting authority before the date of coming into operation of these regulations remain valid.

Repeal of previous regulations on contracting for public transport services

10. The National Land Transport Regulations on Contracting for Public Transport Services promulgated in *Government Gazette* 32535 on 31 August 2009 (Government Notice No. R.877) are hereby repealed.

CHAPTER 2: REGULATIONS ON ELECTRONIC-HAILING SERVICES

Definitions for Chapter 2

11. In this Chapter of these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act or in regulation 1, has the same meaning, and the following words and expressions have the meanings assigned to them:

“agreement” or **“e-hailing service agreement”** means the agreement between an operator and the e-hailing platform provider contemplated in regulation 18;

“app” or **“application”** means a technology-enabled application contemplated in section 66A(1)(a) of the Act;

“child” means a child as defined in the Children’s Act, 2005 (Act No. 38 of 2005);

“ECA” means the Electronic Communications Act, 2005 (Act No. 36 of 2005);

“ECTA” means the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);

“e-hailing platform provider” or **“platform provider”** means a person who provides the application or any technology that is designed or used in enabling the e-hailing public transport service to be provided, including any or all of the value chain elements listed in regulation 15;

“equipment” means equipment as defined in the Type Approval Regulations, 2013;

“identity card” means an identity card as defined in the Identification Act, 1997 (Act No. 68 of 1997);

“operator” means a person who is a holder of an operating licence that entitles operation of e-hailing service before the coming into force of section 66A of the Act and after the coming into force of section 66A, subject to regulation 12, an e-hailing service operating licence issued in accordance with section 66A of the Act read with these regulations;

“RICA” means the Regulation of Interception of Communications and Provision of Communication-Related Information Act, 2002 (Act No.70 of 2002);

“Type Approval Regulations, 2013” means the Type Approval Regulations developed in terms of section 4(1) read with section 35 of the ECA promulgated in *Government Gazette* 36785 of 26 August 2013 under Notice 871, and

“user” means a person who orders a ride for an e-hailing service or a person who uses a ride ordered and paid for by a third party registered as a user in an e-hailing platform.

Application of Chapter 2

12. (1) The regulations in this Chapter apply to all processes contemplated in this Chapter as well as implementation of the provisions of section 66A of the Act.

(2) Operating licences to provide e-hailing services in terms of section 66A of the Act and these regulations may be granted and issued on proper application for such licences to the appropriate regulatory entity.

(3) An application to a regulatory entity for the granting, renewal, amendment, transfer or conversion of an operating licence for an e-hailing service must be lodged by submitting the completed Form 1B attached to the National Land Transport Regulations, 2009, together with the information and documents specified in that Form and the application fee specified in the National Land Transport Regulations, 2009

Requirements for e-hailing services

13. E-hailing services may only be provided where there is an e-hailing platform provider approved by the National Public Transport Regulator and an operating licence has been for the vehicle being used for the e-hailing service.

Conversion of operating licences for e-hailing services issued prior to commencement of section 66A of the Act

14. (1) All operators providing e-hailing services in terms of operating licences issued before the coming into operation of these regulations, regardless of how those services are described in such licences, must apply for the conversion of their operating licences within 180 days of coming into effect of these regulations, to the regulatory entity that issued the licence.

(2) On receipt of the application for conversion, subject to applicable application process and compliance by the operator, the regulatory entity may issue to the operator an operating licence specific to e-hailing services in terms of regulation 23.

(3) Until the regulatory entity has replaced the old operating licence with a new e-hailing service operating licence as provided in sub-regulation (1) and (2), the operator must retain the old operating licence and only hand it over to the regulatory entity when the new operating licence is being issued or the application has been denied.

(4) The regulatory entity must communicate a decision to the applicant not later than 60 days after receipt of the application for conversion if the application complies with the Act, this regulation and the relevant provisions of the National Land Transport Regulations, 2009.

(5) Where an application for conversion has not been submitted as required by sub-regulation (1) within the period mentioned therein, the relevant regulatory entity must cancel the operating licence.

(6) As from a date calculated as 180 days after the date of coming into operation of these regulations, no operator may operate e-hailing services using an operating licence that was issued before the date of coming into operation of these regulations, unless the operator is waiting for the decision of the regulatory entity on its application to convert as contemplated in in sub-regulation (1).

Requirements for e-hailing applications (apps) and e-hailing platform providers

15. (1) The e-hailing application and e-hailing platform provider must be approved by and registered with the National Public Transport Regulator.

(2) An e-hailing platform provider must be a natural or juristic person with valid South African citizenship or permanent residence or be incorporated in terms of South African laws.

(3) All of the equipment used or to be used by the e-hailing platform provider constituting 'equipment' as defined in Type Approval Regulations, 2013 must be type approved and proof thereof be provided to the National Public Transport Regulator as part of the application for registration, or if acquired after registration, before it is used in the provision of the e-hailing transport service.

(4) A platform provider must apply for registration with the National Public Transport Regulator by completing Form 9A attached to these regulations and providing the information required therein and paying the application fee specified in Schedule 2 to the National Land Transport Regulations, 2009.

(5) The National Public Transport Regulator must register the platform provider if the application is compliant and the platform provider complies with these

Regulations and has provided acceptable details of the premises contemplated in sub-regulation (6).

(6) An e-hailing platform provider must have physical premises in the Republic to enable operators to engage with it as well as online presence.

(7) As from a date calculated as 180 days after coming into operation of these regulations, no one may provide an e-hailing service using a platform provider that is not registered in terms of this regulation.

Minimum specifications for e-hailing platform

16. (1) The platform must have at least the following functionalities for the passenger:

- (a) A user must be able to sign up with the e-hailing platform app.
- (b) Provision for the creation of a trip request with end destination.
- (c) Provision for section of a service including categories where the e-hailing platform management company provides for varying service offerings.
- (d) The user must be able to check the price for the ride beforehand.
- (e) The app must enable the user to view live billing as the ride is taking place.
- (f) The user must be able to interact with the driver after the driver has been allocated to the user.
- (g) Provision for push notifications to keep the user up-to-date with the trip request status, driver arrival time, driver and car details.
- (h) The user must be able to contact the driver through the app.
- (i) The platform must enable a user to book the ride for another traveller from own account.
- (j) Payment must be able to be done automatically after the ride is complete, where the rider is making electronic or card payment.
- (k) The user must be able to select a payment method including adding a credit card or debit card beforehand, where it is the user choice of payment.
- (l) The user must be able to review the driver when the trip is complete.
- (m) Panic buttons must be provided in case of emergency which are connected to relevant law enforcement agencies, private security service providers or vehicle

tracking providers appointed by the platform provider, and are tested regularly, at least once a month to ensure that they are still functional.

(n) Panic buttons contemplated in paragraph (m) must be capable of being accessed and used by passengers as well as by the driver of the vehicle.

(2) The platform must have at least the following functionalities for the driver:

(a) The platform must provide for the driver profile and status which must include the following details:

(i) a photograph of the driver not older than 12 months;

(ii) details of the driver's valid driving licence;

(iii) details of the driver's professional driving permit, including expiry dates, and

(iv) the motor vehicle details including at least, make, model, date of first registration in terms of the National Road Traffic Act, registration number and colour.

(b) The driver must be able to receive trip orders to accept or decline, including passenger information regarding the location and destination.

(c) The platform must provide the driver with navigation and route optimisation that offers the best trip route option.

(d) There must be driver delivery reports that provide the driver with daily, weekly, and monthly information regarding trips and earnings, where applicable.

(e) The app may also be capable of charging the user for waiting time starting from a defined parameter as additional cost on top of the base fare.

(f) The app must be able to provide the driver with a heat map that enables the driver to be aware of high demand areas.

Minimum requirements for e-hailing platform administration function

17. The e-hailing platform administration function must at least include the following:

(a) Driver and user management;

(b) Location and fares management using the latest updated maps;

(c) Booking and payment management;

(d) Vehicle management;

(e) Driver orders and payoffs management, and

(f) Customer service centre to report passenger experiences.

E-hailing service agreements

18. The arrangement between the prospective operator and the e-hailing platform provider must be reduced to writing and include at least the following:

- (a) The legal names of the parties as reflected in the identity card or other identity document acceptable to the regulatory entity in the event of natural persons and names as reflected at the institution where the entity is registered in the event of a juristic person.
- (b) The authorized representatives with their full details must be reflected in the event of juristic persons.
- (c) The jurisdiction of the agreement must be the Republic of South Africa.
- (d) The agreement must be conditional upon the prospective operator obtaining the necessary operating licence for the e-hailing services.
- (e) The agreement must provide that all the electronic equipment including a mobile phone to be used by the driver must be compliant with the requirements of RICA and ECA.
- (f) Where the prospective operator will not be driving the vehicle personally, the agreement must provide that the prospective operator will introduce the driver to the platform and that the driver must meet all of the requirements meant to be met in terms of these regulations for a driver to provide e-hailing services.
- (g) The e-hailing service agreement may be in the form of terms and conditions provided by the platform provider to the prospective operator in the form of data as defined in the ECTA.

Minimum safety requirements for e-hailing services

19. (1) The regulatory entity receiving an application for an e-hailing operating licence must, before issuing an operating licence, be satisfied, in addition to the requirements of the Act, the National Road Traffic Act and the National Land Transport Regulations, 2009, that—

- (a) the applicant includes a SAPS 69 Report issued by the South African Police Service regarding the driver of the vehicle, reflecting that he or she does not have criminal record in South Africa that will make him or her not eligible to convey passengers for reward in South Africa;
- (b) the driver has signed a declaration stating that there are no pending criminal investigations against him or her in South African or in another country that may result in conviction for an offence by a court of law, where such offence could have a bearing on the provision by the driver of public transport services;
- (c) the driver holds a relevant driving licence and professional driving permit as required by the National Road Traffic Act;
- (d) the motor vehicle is fitted with a panic button as required by regulation 16(1)(m), and

- (e) the motor vehicle is marked with the information contemplated in regulation 26(1).

Requirements for the e-hailing platform provider to grant access to use of its infrastructure and services

20. The e-hailing platform provider may only grant access to use of its infrastructure and services if the—

- (a) mobile device owner is registered in the system as part of the agreement referred to in regulation 18;
- (b) operator or driver declares in writing that the mobile device to be used is compliant with RICA and ECA and it belongs to the registered driver or operator contracted to the e-hailing platform provider;
- (c) passenger is in possession of a mobile device that will be used by him or her to hail the service with the device that is compliant with RICA and ECA and such passenger has registered with the platform provider by including his or her identity number or passport number as well as residential address, and
- (d) operator is the holder of an operating licence issued by the regulatory entity for the e-hailing service as required by the Act and these regulations.

Suspension or cancellation of access to e-hailing platform

21. (1) The e-hailing platform provider must suspend or cancel access to the e-hailing platform of the operator and the operator's driver as soon as it becomes aware of non-compliance with the access conditions.

(2) Such platform provider must give notice of such suspension or cancellation and the reasons to the regulatory entity that issued the operating licence to the operator as soon as possible, but not later than 48 hours after such suspension or cancellation.

(3) The operator must notify the regulatory entity that issued the operating licence as soon as access to e-hailing platform has been suspended or cancelled by the e-hailing platform provider within 24 hours of such notification.

(4) Where the operator has been suspended or cancelled by all e-hailing platforms, that operator must cease to operate until access has been restored and must hand in the operating licence to the regulatory entity within 48 hours of the suspension or cancellation until access has been restored.

Use of more than one e-hailing platform provider

22. (1) An operator may have agreements with more than one approved e-hailing platform provider at the same time.

(2) On registering with a new e-hailing platform provider, the operator must notify the regulatory entity that issued the e-hailing operating licence in writing within 48 hours of so registering.

Minimum requirements for regulatory entity to grant e-hailing service operating licence

23. (1) An applicant applying for an e-hailing operating licence must complete Form 1B attached to the National Land Transport Regulations, 2009 and pay the application fee specified in those Regulations.

(2) In addition to any other documents that may be required in terms of the National Land Transport Regulations, 2009, the applicant must also submit a copy of the agreement signed or terms and conditions accepted by the applicant with the e-hailing platform provider, which complies with the requirements listed in regulation 18.

(3) Where the platform provider has categories of vehicles to provide different standards for passengers, the application for an operating licence must indicate that is so and the standards must be incorporated in the operating licence conditions.

Minimum requirements for electronic equipment used for e-hailing services

24. No equipment may be used in providing the e-hailing service by the e-hailing platform provider, operator, driver or user unless—

- (a) it is type approved in terms of the Type Approval Regulations, 2013, where required;
- (b) it is used in compliance with RICA;
- (c) it is registered to the e-hailing platform provider, operator and driver, and
- (d) the registration for RICA is compliant with section 39 of RICA.

E-receipt for passengers

25. (1) The operator must issue every passenger using and paying for an e-hailing service with an electronic receipt.

(2) The electronic receipt must reflect at least the following details:

- (a) The name and business address of the operator;
- (b) The operating licence number issued for the motor vehicle conveying the user;
- (c) The e-hailing platform provider used for the service;
- (d) The start and end points plus amount paid for the ride;

- (e) The date and time the receipt was issued corresponding with the time of the ride by the user;
- (f) The name of the driver, and
- (g) The make, model and registration number of the motor vehicle used for the ride.

(3) For the purposes of this regulation, issuing includes any form of electronic communication accessible to the passenger or ride organiser through which the electronic receipt may be received.

Marking and branding of motor vehicles used for e-hailing services

26. (1) A motor vehicle used for e-hailing services must be marked with full details of the operator, including name and business address on both sides of the front doors at all times while providing the services.

(2) The contact telephone or mobile phone number of the operator or management company, if the operations are managed through a management company, must be included in the details.

(3) The contact telephone or mobile phone number written on the motor vehicle must be in working order at all times when the service is provided.

(4) Subject to this regulation, the motor vehicle may be branded according to the operator's requirements.

(5) Notwithstanding the provisions of section 50(2) of the Act, a motor vehicle used for e-hailing services may not be branded for other services while it is being used for e-hailing services.

Notices by regulatory entity and planning authority to e-hailing platform provider

27. The National Public Transport Regulator, a regulatory entity or a planning authority may issue a notice to an e-hailing platform provider under the following circumstances:

- (a) Requesting records pertaining to any operator licensed with that e-hailing platform provider and using the e-hailing platform provider concerned;
- (b) Requesting any information necessary for transport planning purposes;
- (c) Requesting any other information or a response arising out of any inquiry where the e-hailing platform provider is involved;
- (d) In the event of any contravention of the Act or these regulations or licensing conditions pertaining to an operator licensed using the e-hailing platform provider, or

- (e) Any other matter that the National Public Transport Regulator, a regulatory entity or a planning authority considers relevant for the purposes of its powers and functions in terms of the Act.

Transitional arrangements

28. (1) Any operating licence issued for e-hailing service before the coming into operation of these regulations remains valid subject to regulation 14.

(2) An application for an operating licence for an e-hailing service that is before a regulatory entity on coming into effect of these regulations must be finalised in accordance with these regulations.

(3) An operator using an e-hailing platform that is not approved by the National Public Transport Regulator will not be granted and issued with e-hailing services operating licence.

CHAPTER 3: REGULATIONS ON CONVERSION OF PERMITS AND INDEFINITE PERIOD OPERATING LICENCES TO OPERATING LICENCES REQUIRED BY THE ACT

Definitions for Chapter 3

29. In this Chapter, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act or in regulation 1, has the same meaning, and the following expression has the meaning assigned to it:

“operating licence for conversion” means an operating licence contemplated in section 47(1) of the Act that was issued in terms of the Transition Act for an indefinite period or a period exceeding seven years.

Application of Chapter 3

30. This Chapter applies to all holders of permits and operating licences for conversion, and to persons operating vehicles conveying passengers for reward without operating licences, where they are required to hold operating licences in terms of the Act.

General conversion

31. (1) As required by section 47 of the Act, all holders of permits and operating licences for conversion must apply for conversion of such permits and operating licences to definite period operating licences, and must do so within 24 months of coming into operation of these regulations.

(2) Application for conversion must be made to the relevant regulatory entity by completing the form prescribed in the National Land Transport Regulations, 2009.

(3) The applicant for conversion must have been providing the services authorised by the permit or operating licence for conversion continuously for 180 days as required in terms of section 47(3) of the Act.

(4) The applicant must provide proof of having operated continuously as required by sub-regulation (3) to the satisfaction of the regulatory entity, as contemplated in sub-regulation (5).

(5) The manner of proving continuous operation for 180 days will be at the discretion of the regulatory entity to which the application is made and may include evidence provided by rank marshals, driver employment records and vehicle service records, bank statements showing regular money deposits, association subscription and membership fees or records or any other records that may, when collectively viewed, suggest sufficient proof that the services have been operated as required to qualify for conversion: Provided that the foregoing is not intended to be exhaustive and the different modes of public transport services may be able to provide proof differently based on how they operate.

(6) The permit or operating licence sought to be converted must be linked to a motor vehicle owned by the holder thereof as required by section 64(1) of the Act and have been used to provide the service authorised by such permit or licence for the minimum duration of 180 days prior to the application for conversion.

(7) A permit or operating licence that cannot be linked to a motor vehicle as required in terms of sub-regulation (6) may not be converted to an operating licence.

Legalisation of qualifying persons who do not hold permits or operating licences

32. (1) Persons who have been operating public transport services without holding the required permit or operating licence and who qualify in terms of sub-regulation (4) may apply for operating licences to legalise the services they have been operating.

(2) The regulatory entities must issue invitations by a notice or notices in newspapers circulating in the relevant area and by placing notices at their offices and

at appropriate public transport ranks or terminals as well as on the website of the relevant entity, for persons who have been operating without permits or operating licences to apply for the required licences as special applications in terms of this regulation.

(3) The invitations contemplated in sub-regulation (2) must be for a period of not more than 90 days for applicants to submit applications for operating licences.

(4) Applicants for legalisation in terms of this regulation must provide proof to the regulatory entity that they have been providing the relevant public transport services for not less than 180 days prior to the application including details of the motor vehicle or vehicles registered in their names in terms of the National Road Traffic Act that have been used in the provision of the services.

(5) The information contemplated in regulation 31(5) may be provided as proof that the applicant has been operating as required by sub-regulation (4).

(6) The application must be processed terms of the Act and the National Land Transport Regulations, 2009 for the type of service applied for and the Department may issue practice notes or guidelines to guide regulatory entities in this regard.

(7) In the case of a minibus taxi-type service, application for legalisation may only be made if the applicant is a member of an association that was provisionally or fully registered in terms of the Transition Act or provincial legislation, and only for routes that were so registered.

(8) In considering applications for operating licences in terms of this regulation, the regulatory entity may take into account the fact that a similar application by the applicant was previously refused by any regulatory entity or was blocked in any way in the past terms of the special procedures for legalisation contemplated in section 41 of the Transition Act, or any similar process provided in provincial legislation.

CHAPTER 4: MORATORIUM ON APPLICATIONS FOR OPERATING LICENCES FOR NON-CONTRACTED SERVICES

Imposition of moratorium on applications for operating licences for non-contracted services

33. (1) The planning authority intending to impose a moratorium on applications for operating licences or the issuing of operating licences in terms of section 39(1)(b) read with section 55(3) of the Act must—

- (a) conduct a survey on the route or routes targeted for the moratorium, which must include a list of all operators and vehicles using the route or routes for non-

contracted public transport services, including details of operating licences authorising such services on the route or routes, a list of vehicles operating such services without operating licences, the names of associations of which the operators are members as well as any other relevant information that the planning authority may consider in compliance with the Act: Provided that such a survey is not necessary if the planning authority has a current integrated transport plan that already contains the required information;

- (b) compile a list of operators that are lawfully operating on the route as well as the association or associations that are legally registered to operate the route;
- (c) consult with the operators, associations representing legal operators, the MEC and the regulatory authority responsible for issuing operating licences for the route;
- (d) comply with all the local government legislation regarding public consultation, to the extent required in arriving at and taking a decision to declare a moratorium;
- (e) request the assistance of the MEC or the Minister where it has identified the need for a moratorium but does not have the relevant integrated transport plan or funds to conduct a survey in terms of paragraph (a) above, and
- (f) after consultation in terms of paragraph (c) make a decision that must be communicated to all the consulted stakeholders by written correspondence or through a notice in the *Gazette*.

(2) The planning authorities in a province may enter into an agreement with the province in terms of section 12(1) of the Act to provide for the provincial declaration of moratoria.

(3) Where the province takes responsibility to declare a moratorium as contemplated in sub-regulation (2), the surveys and consultation processes may be conducted by the province on behalf of the planning authorities who are parties to the section 12(1) agreement.

(4) The moratorium must be declared for a definite period of not more than two years at a time.

(5) The declared moratorium may be extended once for a period not exceeding one year without following the process provided for in sub-regulation (1)(a), whereafter the survey and consultations must be conducted for further extension of the moratorium.

Effect of moratorium on pending applications for operating licences

34. Where a moratorium is imposed in terms of this Chapter, applications for operating licences pending before the regulatory entity on the date of commencement

of the moratorium must be processed by the regulatory entity, and if the application is granted the relevant operating licence must be issued despite the moratorium.

Invitation for new applications for operating licences under special circumstances

35.(1) Despite the existence of a moratorium, the planning authority may invite applications for new operating licences where new developments or other changed circumstances require public transport services during the course of the moratorium.

(2) A planning authority may declare a moratorium in terms of this Chapter for a specific route or routes or a specific area or areas, which may exclude routes or areas where new developments are or have been taking place or where circumstances have changed as contemplated in sub-regulation (1).

CHAPTER 5: GENERAL PROVISIONS

Rationalising services

36. In rationalising services on a route in terms of section 39 of the Act the planning authority must—

- (a) conduct a survey on the route to compile a list, insofar as possible, of operators providing services on the route, and a list of the associations that represent those operators, provided that this information is not available from the relevant integrated transport plan or plans;
- (b) identify and make a list of organisations representing passengers being conveyed on the route, including those representing targeted categories of passengers;
- (c) consult with the operators, associations and organisations identified and listed under paragraphs (a) and (b) on the proposed rationalisation;
- (d) liaise with and, where appropriate, conclude an agreement with law enforcement authorities in terms of section 85(2) of the Act to identify and prosecute operators using the route without the required operating licences or permits, or contrary to the conditions of those licences or permits, and to take steps in consultation with the relevant regulatory entity to ensure that the operators either obtain the necessary licences or cease operating on the route, and
- (e) where appropriate direct the regulatory entity to impose a moratorium on new applications for operating licences on the route in terms of section 55(3) of the Act.

Offences and penalties

37. (1) An operator who—

(a) contravenes regulation 14(6); or

(b) fails to issue an electronic receipt for e-hailing services that complies with regulation 25(4);

commits an offence.

(2) A platform provider who fails to comply with a request under regulation 27 commits an offence.

(3) Any person who contravenes regulation 15(6) commits an offence.

(4) A person who commits an offence contemplated in sub-regulation (1), (2) or (3) is liable on conviction to a fine not exceeding R100 000.

38. Amendment of National Land Transport Regulations, 2009

The National Land Transport Regulations, 2009 are hereby amended by—

(a) renumbering the third paragraph of sub-regulation 34A(1) as paragraph (c) and replacing the words “Form 5AA” in that sub-regulation with the words “Form 1A”;

(b) deleting the words “as contemplated in regulation 35A(1)” in regulation 35(1);

(c) replacing the words “Form 5AA” in sub-regulation 35(2) with the words “Form 1A”;

(d) replacing the words “Form 5AA” in sub-regulation 36(1) with the words “Form 1A”;

(e) Deleting Form 5AA as well as the reference to it in the List of Forms;

(f) Replacing Forms 1A and 1B with the attached forms;

(g) Inserting the attached Form 9A as a new form;

(h) replacing Schedule 2 to such Regulations (Table of Fees) with the following:

SCHEDULE 2: TABLE OF FEES

Regulation	Description	Fee
2(1), 3(1), 6(1), 7(1), 10(1), 11(1), 15(2), 16(1)	Application for new operating licence, or for renewal, amendment, transfer or conversion of an operating licence or permit	R600,00
6(6)	Submission of application to the NPTR in terms of section 21(4) of the Act	R600,00
17(4)(b) and (c)	Inspection of documents or requesting copies	R100,00 per request
17(4)(d)	Providing copies	R2,00 per folio
20	Application for temporary operating licence	R100,00
26	Application for written authorization to replace a vehicle temporarily	R100,00
28, 36(8)	Application for duplicate operating licence or decal	R600,00
29(3)	Notification of courtesy service to NPTR	R600,00
30(1), 35(1)	Application for accreditation, or renewal of accreditation of a tourist transport operator or for amendment of conditions of accreditation	R2 000,00
15(4) of the Second National Land Transport Regulations, 2024	Application to the NPTR for registration by platform provider	R5000,00

Short title and commencement

39. (1) These regulations are called the Second National Land Transport Regulations, 2024 and come into operation on the date of publication in the *Gazette*.

(2) Different provisions of these regulations may be brought into operation on different dates.



DEPARTMENT OF TRANSPORT

National Public Transport Regulator

NATIONAL LAND TRANSPORT ACT 2009, (ACT NO. 5 OF 2009)

APPLICATION FOR THE GRANTING, RENEWAL, AMENDMENT, TRANSFER OR CONVERSION OF AN OPERATING LICENCE OR PERMIT

SECTION A (Compulsory for all application types)

TYPE OF APPLICATION

This application is for:

Application type:		Compulsory sections to be completed by applicant:
1) New operating licence	<input type="checkbox"/>	A, B, C, F, G, H, K, L
2) Transfer of an operating licence or permit	<input type="checkbox"/>	A, B, C, D, F, G, H, K, L
3) Amendment of an operating licence or permit for:		
a) Additional authority	<input type="checkbox"/>	
b) Amendment of route or area	<input type="checkbox"/>	
c) Change of particulars	<input type="checkbox"/>	
e) Amendment of timetables, tariffs or other conditions	<input type="checkbox"/>	
f) Replace existing vehicle	<input type="checkbox"/>	
g) OL for recapitalised vehicle	<input type="checkbox"/>	
4) Renewal of an operating licence or permit	<input type="checkbox"/>	A, B, C, D, F, G, H, K, L
5) Conversion of a permit to an operating licence	<input type="checkbox"/>	A, B, C, D, F, G, H, K, L

SECTION B (Compulsory for all application types)

PARTICULARS OF APPLICANT

Name of company, partnership corporation or other legal entity, or surname in the case of sole proprietor

First names, if sole proprietor (not more than 3)

RSA identity document	<input type="checkbox"/>	Temporary identity certificate	<input type="checkbox"/>
Passport	<input type="checkbox"/>	Foreign identity document	<input type="checkbox"/>
Founding statement	<input type="checkbox"/>	Certificate of incorporation	<input type="checkbox"/>

REGULATORY ENTITY which issued the operating licence/permit

Date of issue / / Expiry date / /

Y Y Y Y M M D D Y Y Y Y M M D D

Attach a certified copy of the operating licence or permit. A permit must first be converted to an operating licence before it may be renewed, amended or transferred. The original permit must be handed in upon upliftment of operating licence

FORM 1A PAGE 3

SECTION E (Compulsory for application types 2)

PARTICULARS OF PERSON OR ENTITY TO WHICH THE OPERATING LICENCE IS TO BE TRANSFERRED
(in the case of an application for transfer)

Name of company, partnership corporation or other legal entity, or surname in the case of sole proprietor

First names, if sole proprietor (not more than 3)

Type of identification	RSA identity document	Temporary identity certificate	
*Attach a certified copy	Passport	Foreign identity document	
	Founding statement	Certificate of incorporation	
	Letters of Authority (trust)	Partnership Agreement	

Identity no./passport no./ business registration number

Trade name (if applicable)

Type of business

Postal address and code

Postal Code

Street address (if different from postal address) *Domicillium citandi et executandi*

Postal Code

Telephone number(s) Code

Code

Facsimile number (if any) Code

E-mail address (if any)

Income tax registration number

**Attach original Tax Clearance Certificate/SARS Tax Compliance Status PIN letter*

**Include written consent of transferor*

FORM 1A PAGE 4
SECTION F (Compulsory for all application types)

TYPE OF PUBLIC TRANSPORT SERVICE

[Tick type of service: it may be necessary to tick more than one]

Type of service	<input type="checkbox"/> Scheduled bus service	<input type="checkbox"/> Minibus-taxi-type service
	<input type="checkbox"/> Staff service	<input type="checkbox"/> Charter service
	<input type="checkbox"/> Courtesy vehicle	<input type="checkbox"/> Metered taxi service
	<input type="checkbox"/> * Scholar transport service	<input type="checkbox"/> e-Hailing service
	<input type="checkbox"/> Tourist transport service	<input type="checkbox"/> Other services

*Please attach a certified copy of the contract between the operator and school or other educational institution or letter of authorisation from the principal or authorised administrative officer.

*Attach certified copies of the professional driving permits of all the drivers to be used for this service.

Other type of service (describe)

Number of passengers that will be carried

--	--	--

In the case of a long-distance service, state why passengers cannot use existing transport services

and motivate why the proposed service is necessary (supporting documents may be attached).

In the case of a renewal, amendment, transfer or conversion, have the services been provided continuously for a period of 180 days prior to the date of application?

YES	NO
-----	----

If NO, give reasons

*Any recommendations or documentation in support of this application may be attached.

FORM 1A PAGE 8

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased? YES NO

Vehicle 3:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased? YES NO

SECTION M- FOR OFFICE USE ONLY

OTHER CONDITIONS IMPOSED BY THE REGULATORY ENTITY (if applicable)

This operating licence is issued subject to the following conditions

*Or attach conditions imposed as a schedule

Date of issue / /
Y Y Y Y M M D D

.....
 Signature of designated official of Regulatory Entity

OPERATING LICENCE PARTICULARS

Operating licence 1

Operating Licence number

Valid from / / to / /
Y Y Y Y M M D D Y Y Y Y M M D D

Captured application details on OLAS / /
Y Y Y Y M M D D

Date submitted to Publications / /
Y Y Y Y M M D D

Date referred to PREs and Planning Authority / /
Y Y Y Y M M D D

Operating Licence 2:

Operating Licence number

Valid from / / to / /
Y Y Y Y M M D D Y Y Y Y M M D D

Captured application details on OLAS / /
Y Y Y Y M M D D

Date submitted to Publications / /
Y Y Y Y M M D D

Date referred to PREs and Planning Authority / /
Y Y Y Y M M D D

Operating Licence 3:

Operating Licence number

Valid from / / to / /
Y Y Y Y M M D D Y Y Y Y M M D D

Captured application details on OLAS / /
Y Y Y Y M M D D

Date submitted to Publications / /
Y Y Y Y M M D D

Date referred to PREs and Planning Authority / /
Y Y Y Y M M D D

*In the case of more operating licences, provide the same particulars on a separate sheet as an attachment.

FORM 1A PAGE 10

FOR OFFICE USE ONLY

Date Application received / /
Y Y Y Y M M D D

Captured application details on OLAS / /
Y Y Y Y M M D D

Reference number

Receipt number

Amount paid R

Date submitted to Publications / /
Y Y Y Y M M D D

Date referred to PREs and planning Authority / /
Y Y Y Y M M D D

Valid from / / to / /
Y Y Y Y M M D D Y Y Y Y M M D D

Official's name
 / /
Y Y Y Y M M D D

CHECKLIST		
A certified copy of one of the following:	RSA Identity Document	
	Passport	
	Temporary RSA identity Document	
	Foreign Identity Document	
	Partnership Agreement	
	Board Resolution/ Founding agreement	
Valid Tax Clearance Certificate/SARS Tax Compliance Status PIN		
Valid vehicle licence and registration		
Has signed a statement to the effect that he or she or it, will comply with labour laws in respect of drivers and other staff, as well as sectoral determinations of the Department of Employment and Labour.		
Copies of operating licences or permits of vehicles operated (if applicable).		
Letter or document of recommendation in support of the application (if any).		

PROVINCIAL LOGO

******* PROVINCIAL REGULATORY ENTITY**

NATIONAL LAND TRANSPORT ACT 2009, (ACT NO. 5 OF 2009)

APPLICATION FOR THE GRANTING, RENEWAL, AMENDMENT, TRANSFER OR CONVERSION OF AN OPERATING LICENCE OR PERMIT

SECTION A (Compulsory for all application types)

TYPE OF APPLICATION

This application is for:

Application type:	Compulsory sections to be completed by applicant:
1) New operating licence <input type="checkbox"/>	A, B, C, F, G, H, K, L
2) Transfer of an operating licence or permit <input type="checkbox"/>	A, B, C, D, E, F, G, H, K, L A, B, C, D, F, G, H, K, L
3) Amendment of an operating licence or permit for:	
a) Additional authority <input type="checkbox"/>	
b) Amendment of route or area <input type="checkbox"/>	
c) Change of particulars <input type="checkbox"/>	
e) Amendment of timetables, tariffs or other conditions <input type="checkbox"/>	
f) Replace existing vehicle <input type="checkbox"/>	
g) OL for recapitalised vehicle <input type="checkbox"/>	
4) Renewal of an operating licence or permit <input type="checkbox"/>	A, B, C, D, F, G, H, K, L
5) Conversion of a permit to an operating licence <input type="checkbox"/>	A, B, C, D, F, G, H, K, L

SECTION B (Compulsory for all application types)

PARTICULARS OF APPLICANT

Name of company, partnership corporation or other legal entity, or surname in the case of sole proprietor

First names, if sole proprietor (not more than 3)

Type of identification

*Attach a certified copy

RSA identity document	Temporary identity certificate	
Passport	Foreign identity document	

FORM 1B PAGE 2

Identity no./passport no./
business registration number

Trade name (if applicable)

Type of business

Postal address and code

 Postal Code

Street address (if different from
postal address) *Domicillium
citandi et executandi*
 Postal Code

Telephone number(s) Code
 Code

Facsimile number (if any) Code

E-mail address (if any)

Income tax registration
number
[Attach original Tax Clearance Certificate]

SECTION C (Compulsory for all application types)

PARTICULARS OF PERSON RESPONSIBLE FOR A JURISTIC PERSON

In the case of a company, partnership, close corporation or other juristic person, particulars of the person responsible to represent it must be given:

Surname

First names (not more than 3)

Identity number

Type of identification

RSA identity number	Passport
Other (specify)	

Telephone number Code

Cell number

SECTION D (Compulsory for application types 2,3,4 and 5)

PARTICULARS OF EXISTING OPERATING LICENCE OR PERMIT (in the case of an application for renewal, amendment, transfer or conversion)

Operating licence number/permit
number

REGULATORY ENTITY which
issued the operating
licence/permit

Date of issue / / Expiry date / /
Y Y Y Y M M D D Y Y Y Y M M D D

Attach a certified copy of operating licence or permit. A permit must first be converted to an operating licence before it may be renewed, amended or transferred. The original permit must be handed in upon upliftment of operating licence

SECTION E (Compulsory for all application types)

PARTICULARS OF APPLICANT

Name of company, partnership corporation or other legal entity, or surname in the case of sole proprietor

First names, if sole proprietor (not more than 3)

Type of identification	RSA identity document	Temporary identity certificate	
*Attach a certified copy	Passport	Foreign identity document	
	Founding statement	Certificate of incorporation	
	Letters of Authority (trust)	Partnership Agreement	

Identity no./passport no./ business registration number

Trade name (if applicable)

Type of business

Postal address and code

 Postal Code

Street address (if different from postal address) *Domicillium citandi et executandi*
 Postal Code

Telephone number(s) Code

Code

Facsimile number (if any) Code

E-mail address (if any)

Income tax registration number

**Attach original Tax Clearance Certificate/SARS Tax Compliance Status PIN letter*

**Include written consent of transferor*

FORM 1B PAGE 4

SECTION F (Compulsory for all application types)

TYPE OF PUBLIC TRANSPORT SERVICE

[Tick type of service: it may be necessary to tick more than one]

Type of service *Please attach a certified copy of the contract between the	<input type="checkbox"/>	Scheduled bus service	<input type="checkbox"/>	Minibus-taxi-type service	<input type="checkbox"/>
	<input type="checkbox"/>	Staff service	<input type="checkbox"/>	Charter service	<input type="checkbox"/>
	<input type="checkbox"/>	Courtesy vehicle	<input type="checkbox"/>	Metered taxi service	<input type="checkbox"/>
	<input type="checkbox"/>	Scholar transport service	<input type="checkbox"/>	e-Hailing service	<input type="checkbox"/>
	<input type="checkbox"/>	Tourist transport service	<input type="checkbox"/>	Other services	<input type="checkbox"/>

operator and school or other educational institution or letter of authorisation from the principal or authorised administrative officer.

*Attach certified copies of the professional driving permits of all the drivers to be used for this service.

Other type of service (describe)

Number of passengers that will be carried

--	--	--

In the case of a long-distance service, state why passengers cannot use existing transport services

and motivate why the proposed service is necessary (supporting documents may be attached).

In the case of a renewal, amendment, transfer or conversion, have the services been provided continuously for a period of 180 days prior to the date of application?

YES	NO
-----	----

If NO, give reasons

*Any recommendations or documentation in support of this application may be attached.

SECTION G

PARTICULARS OF ROUTES (Not applicable for Charter Services, Metered Taxis, Tourist transport and e-hailing services)*

Describe the **FIRST** route in detail:

Departure point	
-----------------	--

Destination	
-------------	--

Route description (State street names or road numbers and each point where passengers are picked up or set down, and, where applicable, beacons or land marks for each city, town, village or settlement: vague route descriptions will not be accepted)	

Describe the **SECOND** route in detail (Complete for application of additional service)

Departure point	
-----------------	--

Destination	
-------------	--

Route description (State street names or road numbers and each point where passengers are picked up or set down, and, where applicable, beacons or land marks for each city, town, village or settlement: vague route descriptions will not be accepted).	

[If there are more routes, they must be described on a separate sheet of paper]

In the case of Metered Taxis, tourist transport and e-hailing service please describe the area which will be served:	

*Tourist transport services may or may not have particulars of routes depending on application details.

FORM 1B PAGE 6

SECTION H (Compulsory for all application types)

AUTHORISED RANKS AND TERMINALS

State the authorised ranks and terminals used or to be used

SECTION I

PARTICULARS OF CONTRACT (in the case of a contracted service)

A certified copy of the contract is to be attached. (Note: Only contracts with National, Provincial or local sphere of government)

Type of contract	<input type="checkbox"/> Subsidised Service Contract	<input type="checkbox"/> Negotiated Contract	<input type="checkbox"/> Commercial Contract
------------------	--	--	--

Contract reference number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Names of parties to
The contract

1	
2	

Addresses of parties to the contract

1		Postal Code
2		Postal Code

Name of sub-contractor (if applicable)

--

Duration of contract from

--	--	--	--

 /

--	--

 /

--	--

 to

--	--	--	--

 /

--	--

 /

--	--

SECTION J

TIME TABLES (In the case of a scheduled service)

The applicable (current) time tables are attached as Annexure.

<input type="checkbox"/> YES	<input type="checkbox"/> NO
------------------------------	-----------------------------

SECTION K (Compulsory for all application types)

DECLARATION

I the undersigned (full name) certify that the information furnished in this application form is true and correct. I accept that if information supplied in this application is found to be false, the application will be rejected and I may be disqualified from making an application for an operating licence in the future.

.....
Signature

.....
Date

.....
Name of person

Name of legal entity (if applicable)

SECTION L (Compulsory for all application types)

VEHICLES DETAILS

For a new application please indicate the type of vehicle/s that you intend to purchase (if no vehicle is owned at present):

*Please note that operating licences are granted per vehicle. Therefore, the applicant is required to pay the fee for each vehicle listed in this application. If applications are made for more than three (3) vehicles please attach a separate page containing the details below:

Number of vehicles to be purchased:

Type:	No.	Seating capacity				
Motor car						
Minibus						
Midibus						
Bus						
Other						

Vehicle 1:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased? YES NO

Vehicle 2:

Vehicle registration number

FORM 1B PAGE 8

Vehicle identification number (VIN) [grid]

Type of vehicle [grid]

Year of manufacture [grid]

Make of vehicle [grid]

Number of passengers to be carried [grid]

Number of kilometres travelled [grid] Already purchased? YES NO

Vehicle 3:

Vehicle registration number [grid]

Vehicle identification number (VIN) [grid]

Type of vehicle [grid]

Year of manufacture [grid]

Make of vehicle [grid]

Number of passengers to be carried [grid]

Number of kilometres travelled [grid] Already purchased YES NO

SECTION M- FOR OFFICE USE ONLY

OTHER CONDITIONS IMPOSED BY THE REGULATORY ENTITY (if applicable)

This operating licence is issued subject to the following conditions
*Or attach conditions imposed as a schedule

Date of issue [grid] / [grid] / [grid]
Y Y Y Y M M D D

Signature of designated official of Regulatory Entity

FORM 1B PAGE 10

Valid from / / to / /
Y Y Y Y M M D D Y Y Y Y M M D D

Captured application details on OLAS / /
Y Y Y Y M M D D

Date submitted to Publications / /
Y Y Y Y M M D D

Date referred to PREs and Planning Authority / /
Y Y Y Y M M D D

*In the case of more operating licences, provide the same particulars on a separate sheet as an attachment.

FOR OFFICE USE ONLY

Date Application received / /
Y Y Y Y M M D D

Captured application details on OLAS / /
Y Y Y Y M M D D

Reference number

Receipt number

Amount paid R

Date submitted to Publications / /
Y Y Y Y M M D D

Date referred to PREs and planning Authority / /
Y Y Y Y M M D D

Valid from / / to / /
Y Y Y Y M M D D Y Y Y Y M M D D

Official's name
 / /
Y Y Y Y M M D D

CHECKLIST		
A certified copy of one of the following:	RSA Identity Document	
	Passport	
	Temporary RSA identity Document	
	Foreign Identity Document	
	Partnership Agreement	
	Board Resolution/ Founding agreement	
Valid Tax Clearance Certificate/SARS Tax Compliance Status PIN		
Valid vehicle licence and registration		
Has signed a statement to the effect that he or she or it, will comply with labour laws in respect of drivers and other staff, as well as sectoral determinations of the Department of Employment and Labour.		
Copies of operating licences or permits of vehicles operated (if applicable).		
Letter or document of recommendation in support of the application (if any).		

FORM 9A PAGE 3

SECTION D

CHANGE OF CONDITIONS

In the case of an application to amend conditions of approval, describe the conditions to be amended and the reasons therefor:

Empty rectangular box for describing conditions to be amended and reasons therefor.

SECTION E

DECLARATION

I the undersigned (full name) certify that the information furnished in this application form is true and correct. I accept that the information supplied in this application is found to be false, the application will be rejected and I may be disqualified from making an application for in the future.

.....
Signature

.....
Date

.....
Name of person

Name of legal entity (if applicable) [Empty grid box]

SECTION F- FOR OFFICIAL USE ONLY

OTHER CONDITIONS IMPOSED BY THE NPTR (if applicable)

This approval is issued subject to the following conditions [Empty grid box]
*or attach conditions on a separate sheet

FORM 9A PAGE 4

Date of issue

Y	Y	Y	Y	M	M	D	D

Signature of designated official of the NPTR

FOR OFFICE USE ONLY

Date of Application received

Y	Y	Y	Y	M	M	D	D

Reference number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Amount paid

R									
---	--	--	--	--	--	--	--	--	--

Official's name

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Date

Y	Y	Y	Y	M	M	D	D

APPROVAL CERTIFICATE PARTICULARS

Approval Certificate number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Date of Application received

Y	Y	Y	Y	M	M	D	D

Captured Application details

Y	Y	Y	Y	M	M	D	D

Reference number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Amount paid

R									
---	--	--	--	--	--	--	--	--	--

Valid from

								Valid to											
Y	Y	Y	Y	M	M	D	D	Y	Y	Y	Y	M	M	D	D				

Official's name

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Date

Y	Y	Y	Y	M	M	D	D

FORM 9A PAGE 5

CHECKLIST	
A certified copy of one of the following:	RSA Identity Document
	Passport
	Temporary RSA identity Document
	Foreign Identity Document
	Partnership Agreement
	Founding agreement
	Certificate of Incorporation
	Letters of Authority (trust)
Valid Tax Clearance Certificate/ SARS Tax Compliance Status PIN letter	
Proof of address in South Africa not older than 3 months	
Full copy of registration documents of the legal entity type/ Partnership agreement	
Letter or document of recommendation in support of the application (if any).	

DEPARTMENT OF TRANSPORT

NATIONAL LAND TRANSPORT ACT, 2009 (ACT No. 5 OF 2009)

SECOND NATIONAL LAND TRANSPORT REGULATIONS, 2024

I, Barbara Creecy, the Minister of Transport, after consultation with the MECs hereby make the regulations in the Schedule hereto in terms of section 8 of the National Land Transport Act, 2009 (Act No. 5 of 2009) ("the Act")

MS B CREECY, MP
MINISTER OF TRANSPORT

SCHEDULE

ARRANGEMENT OF REGULATIONS

1. Definitions

CHAPTER 1: REGULATIONS ON CONTRACTING FOR PUBLIC TRANSPORT SERVICES

2. Definitions for Chapter 1
3. Requirements for contracts
4. Operational and business plan
5. Transition from existing contracting arrangements
6. General requirements
7. Requirements for tenderers
8. Assistance by provinces
9. Transitional provisions
10. Repeal of previous regulations on contracting for public transport services

CHAPTER 2: REGULATIONS ON ELECTRONIC-HAILING SERVICES

11. Definitions for Chapter 2
12. Application of Chapter 2
13. Requirements for e-hailing services
14. Conversion of operating licences for e-hailing services issued prior to date of commencement of section 66A of the Act
15. Requirements for e-hailing applications (apps) and e-hailing platform providers

16. Minimum specifications for an e-hailing platform
17. Minimum requirements for an e-hailing platform administrative function
18. E-hailing service agreements
19. Minimum safety requirements for e-hailing services
20. Requirements for e-hailing platform provider to grant access to its infrastructure and services
21. Suspension or cancellation of access to e-hailing platform
22. Use of more than one e-hailing platform provider
23. Minimum requirements for regulatory entity to grant e-hailing operating licence
24. Minimum requirements for electronic equipment used for e-hailing services
25. E-receipt for passengers
26. Marking and branding of motor vehicles used for e-hailing services
27. Notices by regulatory entity and planning authority to e-hailing platform providers
28. Transitional arrangements

CHAPTER 3: REGULATIONS ON CONVERSION OF PERMITS AND INDEFINITE PERIOD OPERATING LICENCES TO OPERATING LICENCES REQUIRED BY THE ACT

29. Definitions for Chapter 3
30. Application of Chapter 3
31. General conversion
32. Legalisation of qualifying persons who do not hold permits or operating licences

CHAPTER 4: MORATORIUM ON OPERATING LICENCES FOR NON-CONTRACTED SERVICES

33. Imposition of a moratorium on applications for operating licences for non-contracted services
34. Effect of the moratorium on pending applications for operating licences
35. Invitation for new applications for operating licences under special circumstances

CHAPTER 5: GENERAL PROVISIONS

36. Rationalising services
37. Offences and penalties
38. Amendment of National Land Transport Regulations, 2009
39. Short title and commencement

Definitions

1. In these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act, has the same meaning, and the following words and expressions have the meanings assigned to them:

"Minimum Requirements" means the Minimum Requirements for the Preparation of Integrated Transport Plans, 2016 promulgated in terms of the Act and published under Notice 881 in *Government Gazette* 40174 of 29 July 2016;

"National Land Transport Regulations, 2009" means the National Land Transport Regulations, 2009 made in terms of the Act under notice R.1208 in *Government Gazette* 32821 of 17 December 2009 as amended by notice R.366 in *Government Gazette* 33185 of 14 May 2010 and by notice 2670 in *Government Gazette* 51003 of 2 August 2024, and

"the Act" or **"this Act"** means the National Land Transport Act, 2009 (Act No. 5 of 2009).

CHAPTER 1: REGULATIONS ON CONTRACTING FOR PUBLIC TRANSPORT SERVICES

Definitions for Chapter 1

2. In this Chapter, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act or in regulation 1, has the same meaning, and the following words and expressions have the meanings assigned to them:

"affected operator" as contemplated in section 41(2) of the Act means an operator who—

- (a) holds valid operating licences or permits to provide the affected services;
- (b) has been providing those services for at least 180 days prior to the date of a notice published in terms of regulation 3(2)(b);
- (c) in the case of a contract contemplated in section 41(1)(a) or (c) of the Act provides services on a route or routes or in the area that will be affected by the proposed negotiated contract and who picks up or sets down passengers on that route or routes in the area concerned and is not merely traversing the route or area, and
- (d) in the case of a contract contemplated in section 41(1)(b) of the Act is an operator contemplated in paragraphs (a) and (b) and (c) of this definition who also is a small business operator or is a person previously disadvantaged by unfair discrimination;

“**appropriate**” in section 41(2) of the Act means that operators who are not affected operators must be excluded from the negotiations contemplated in section 41(2) of the Act as contemplated in section 41(2)(a) thereof;

“**CITP**” means a comprehensive integrated transport plan contemplated in the Minimum Requirements;

“**cross-boundary service**” means a public transport service or network of services that crosses the boundary of the area of jurisdiction of one municipality into that of another municipality or municipalities;

“**DORA**” means the Division of Revenue Act contemplated in section 214(1) of the Constitution for the financial year in question;

“**Grant Framework**” means the Grant Framework published for the financial year in question in terms of DORA, and

“**IGRFA**” means the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005).

Requirements for contracts

3. (1) Before entering into a contract in terms of section 41 or 42 of the Act the contracting authority must—

- (a) in the case of a municipality, develop and finalise its integrated transport plan and obtain approval thereof as required by section 36 of the Act read with the Minimum Requirements where it has not already done so and, where relevant, update the integrated transport plan in the manner required by the Minimum Requirements, but subject to section 93(4) of the Act;
- (b) ensure that the services contemplated in the proposed contract are in line with and are provided for in the relevant sections of the CITP and in particular and where relevant, the transport needs assessment, the contracted services plan the operating licences plan and the travel demand management strategy which must be included in the CITP in terms of the Minimum Requirements;
- (c) in the case of a municipality required by the Minimum Requirements to prepare a CITP, ensure that the public transport plan component of the CITP encompasses and incorporates an integrated public transport network plan as required by section 8.1 of the Minimum Requirements;
- (d) make provision for the incorporation of the requirements and conditions promulgated in the Grant Framework for the Public Transport Network Grant in respect of the subsidy funding for the proposed services published in terms of the relevant DORA;
- (e) prepare an operational and business plan as contemplated in the Grant Framework that complies with regulation 4;

- (f) conduct surveys on the route or routes or area or areas in question to compile a list, insofar as possible, of affected operators, and a list of the associations that represent those affected operators, and
- (g) consult with the relevant Public Transport Integration Committee (PTIC) or Committees established in terms of the Grant Framework published under the relevant Division of Revenue Act and referred to in subsequent Grant Frameworks published under relevant DORA's, as well as the Intermodal Planning Committee established for the relevant municipality or municipalities in terms of section 15 of the Act and any relevant Land Transport Advisory Boards established in terms of section 16 of the Act.

(2) Before entering into a negotiated contract in terms of section 41 of the Act, the contracting authority must—

- (a) take the steps listed in sub-regulation (1);
- (b) publish a notice in one or more newspapers circulating in the area or areas where the proposed services will be provided inviting affected operators to register with the contracting authority by a date stated in the notice, and
- (c) after having conducted surveys of all relevant operators operating on the relevant routes or in the relevant area or areas as contemplated in paragraph 1(f), compile and keep a register of affected operators with their contact details and, where applicable, the contact details of their representatives or the representatives of the associations to which they belong, if such representatives are authorised in writing by the operator concerned by submission of a special power of attorney.

(3) For the purposes of sub-regulation (2)(c), in the case where an operator holds an operating licence authorizing a number of routes, the contracting authority may have regard to the routes applied for by the operator when he, she or it applied to the regulatory entity for the licence, in determining whether the operator is an affected operator.

(4) The contracting authority must then negotiate with such affected operators, either individually or through their representatives or associations, with a view to concluding an agreement with the operators that may include offering them one or more of the following:

- (a) Alternative services to those that will be provided in terms of the contract as contemplated in section 39(1) of the Act;
- (b) shares or loan accounts in the operating company or companies or entity or entities that will be established or appointed to provide the services in terms of the contract, or

(c) compensation or another appropriate inducement.

(5) The contracting authority may address a written offer to an operator or operators contemplated in sub-regulation (2) stating a date for acceptance of the offer, which notice must be delivered to the operator or his, her or its representative or person representing the operator's association authorised in terms of sub-regulation (2)(c) at the physical or email address registered in terms of that sub-regulation.

(6) Where an operator to whom an offer has been addressed in terms of sub-regulation (5) fails to accept the offer or to reply to the notice by the date stated for acceptance, the operator will be deemed to have rejected the offer and the contracting authority will not be obliged to negotiate with that operator any further.

(7) Where an operator accepts an offer contemplated in sub-regulation (2), the agreement contemplated in that sub-regulation must include an undertaking by such operator to submit the operating licences or permits held by that operator authorising services on the route or routes that will be operated in terms of the proposed contract, for cancellation, amendment or conversion, as the case may be, to remove authorisation for any services that will compete with the services to be provided in terms of the contract.

(8) Where an operator contemplated in sub-regulation (7) continues operating public transport services on a route or routes in violation of an undertaking given under that sub-section or is otherwise in breach of an agreement contemplated in sub-regulation (2), the operator will forfeit any benefit granted to that operator in terms of sub-regulation (4)(b) or (c) after affording the operator a reasonable opportunity to provide reasons why the benefits should not be forfeited and if such reasons are not acceptable to the contracting authority, and the provisions of this sub-regulation must be included in such agreement.

(9) Any benefit accruing to an operator in terms of an agreement contemplated in sub-regulation (2) may not be paid or transferred to the operator until that operator has complied with sub-regulation (7), subject to sub-regulation (8).

(10) Where an operator has concluded an agreement contemplated in sub-regulation (2), the contracting authority may require the vehicles of the operator to be branded as a feeder-service or other component-service of the relevant integrated public transport network at the expense of the contracting authority.

(11) Before entering into a commercial services contract in terms of section 43 of the Act, the contracting authority must take the steps listed in paragraphs (a), (b), (c) and (f) of sub-regulation (1).

4. The operational and business plan contemplated in regulation 3(1)(e) must at least deal with—

- (a) the need and desirability for the contract which is necessary or advisable to address the needs of passengers and employers in the relevant area or on the relevant routes and reasons why existing passenger transport services are inadequate;
- (b) a reference to the transport needs assessment of the relevant ITP or ITPs and how it provides for or gives rise to the need for the contract;
- (c) the estimated financial implications of the proposed contract for the contracting authority specifically and for the fiscus generally and in the case of a negotiated contract or subsidised service contract how the contract will provide value for money in terms of the dispensing of subsidies;
- (d) as regards the financial implications of the proposed contract, a multi-year financial operational plan, approved by the municipal council in the case of a municipality, covering the full duration of the contract for each phase funded by the Public Transport Network Grant provided annually in terms of the Grant Framework and including operating and maintenance costs and universal design access plans;
- (e) verified data on operator revenue and profitability;
- (f) how the contract will promote fiscally and financially sustainable public transport services by estimating fare revenue and other expected revenue and setting it off against expected expenditure;
- (g) in the case of a negotiated contract, a short description of the negotiation process and the parties with whom negotiations were conducted;
- (h) in the case of interprovincial services, a description of engagements with and agreements between the contracting authority, the province and other relevant province or provinces and the other municipality or municipalities;
- (i) in the case of intraprovincial cross-boundary services, a description of engagements with and agreements between the contracting authority, the province and the other relevant municipality or municipalities, and
- (j) the arrangements made or to be made for supervision and monitoring of the services that will be provided in terms of the contract

Transition from existing contracting arrangements

5. (1) As required by section 42(1) of the Act a contracting authority must commence with the activities contemplated in regulation 3(1) to put in place a new contract not later than one year before the anticipated expiry of a contract where the

relevant integrated transport plan or plans show that passengers on the relevant routes or in the relevant area or areas still require contracted services.

(2) Where an adequate integrated transport plan or plans is or are not available for the purpose contemplated in sub-regulation (1) the contracting authority must use all other information available to it for the purposes of designing the contract or contracts as contemplated in section 93(4) of the Act.

(3) The contracting authority must synchronize arrangements between the old and new contract and the new contract must be phased in so that there is no break in services to the relevant passengers, and with due regard to section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) and other applicable labour legislation.

(4) The contracting authority must advise passengers by means of one or more public meetings or by leaflets distributed or left at terminals, bus stops and other facilities, or by notices in local newspapers other appropriate means, of the new operator and of any changed circumstances applicable to the new contract or the changeover to the new contract.

General requirements

6. (1) In negotiating or concluding contracts in terms of the Act the contracting authority must give due regard to—

- (a) any requirements and model tender and contract documents prescribed or provided in terms of section 42(6) of the Act;
- (b) the Regulations Relating to Integrated Fare Systems, 2011 promulgated in *Government Gazette* 34363 of 17 June 2011 (Notice No. R.511);
- (c) universal design and access requirements and standards published by the Department, or by the Minister in terms of section 8(1)(y) of the Act, and those published in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and generally ensure that there is provision for the needs of targeted categories of passengers;
- (d) relevant policies to promote non-motorised transport and accessible transport regarding both public transport operations and infrastructure;
- (e) an environmental strategy and considering energy efficiency and environmental aspects such as emission standards, and should consider mandatory specifications for average fleet emissions;
- (f) fare integration between different modes and services;
- (g) the need to promote the economic empowerment of small business and persons previously disadvantaged by unfair discrimination and to prevent the rise or continued existence of monopolies created by previous unfair legislation or practices:

- (h) section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) and other applicable labour legislation during the transition from one contract to another, where relevant, and
- (i) where the proposed operator has provided services in terms of a previous contract with the contracting authority or any other organ of state, the past performance of the operator in performing that previous contract.

(2) Contracting authorities must ensure that provision is made for adequate electronic or physical monitoring of the services being provided in terms of contracts involving subsidies in the manner specified in the requirements and model tender and contract documents prescribed or provided in terms of section 42(6) of the Act and in compliance with any grant conditions published in terms of the relevant Division of Revenue Act.

(3) Stopgap contracts contemplated in section 41A of the Act must be used only in exceptional circumstances where they are necessary to provide services in the interim while the contracting authority is in the process of conducting negotiations for a negotiated contract or establishing a network, as contemplated in section 41A(1)(c) of the Act, and must not be used where they are likely to delay the conclusion of appropriate negotiated or subsidised service contracts, and may not be renewed.

(4) Where services will be provided in the areas of jurisdiction of more than one municipality in terms of the contract, the municipalities must—

- (a) conclude a written agreement between them providing at least for the financial arrangements applicable to the proposed contract between them and taking into account the provisions of the IGRFA, and
- (b) where appropriate approach the relevant province or provinces for assistance as contemplated in regulation 8.

(5) Where a proposed contract will impose financial obligations on a municipality beyond the three years covered in its annual budget the municipality must comply with section 33 of the Local Government: Municipal Finance Management Act, 2003 (Act. No. 56 of 2003).

(6) As section 41(1) of the Act provides that a negotiated contract may be concluded once only, a contracting authority may not conclude more than one negotiated contract in terms of that subsection, i.e. by concluding contracts in terms of more than one of the paragraphs (a), (b) or (c) thereof.

(7) In the case of a contract contemplated in section 41(1)(c) of the Act, national or provincial parastatal transport entities must comply with section 54 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), as well as other legislation applicable to the restructuring of parastatal entities, and municipal entities must comply with legislation applicable to their restructuring, before concluding the contract.

Requirements for tenderers

7. (1) The tender and contract documents contemplated in section 42(6) of the Act must include that to qualify as a tenderer for a subsidised service contract, an operator and, where appropriate, any person or entity exercising ownership control over an operator, or performing services on behalf of, or in the capacity as agent of, an operator must comply with the following requirements:

- (a) Must conduct public transport operations according to business principles with financial ringfencing, and
- (b) must have his, her or its tax affairs in order and be able to furnish a valid tax clearance certificate or PIN (personal identification number) issued by the South African Revenue Services.

(2) For the purposes of sub-regulation (1)(a), an operator is financially ringfenced if—

- (a) the business of the operator's undertaking is conducted separately from that of another entity or undertaking or any other organisation;
- (b) the operator keeps separate accounting records, in accordance with generally accepted accounting practice and procedures, of its assets, liabilities, income, expenditure, profits and losses;
- (c) the operator's undertaking is financially sustainable in terms of its financial statements, and
- (d) the operator has no unfair advantage as regards access to financial or other support or resources from any organ of state as defined in section 239 of the Constitution, unless such advantage is part of a scheme which applies generally, approved by the contracting authority, to protect or advance public transport operators disadvantaged by unfair discrimination or to assist small businesses.

(3) For the duration of a subsidised service contract, an operator and, where appropriate, any person or entity exercising ownership control over an operator, or performing services on behalf of or in the capacity as agent of, an operator, must—

- (a) keep separate record, in accordance with generally accepted accounting practices and procedures, of his or her or its financial position, performance, flow of funds and change in financial position;
- (b) undergo an annual audit by a person registered in terms of the Auditing Profession Act, 2005 (Act No. 26 of 2005);

- (c) comply with the requirements of sub-regulation (1), and
- (d) not enjoy an unfair advantage emanating from an organ of state, but any advantage emanating from a subsidised service contract is not deemed to be an unfair advantage for the purposes of this section.

(4) For the purpose of this regulation—

(a) “ownership control” means control by one person or entity over another as contemplated in section 2 of the Companies Act, 2008 (Act No. 71 of 2008), and

(b) “unfair advantage” means, but is not limited to—

- (i) the receipt by an operator of any direct or indirect benefit, including funds, resources, donations, grants, consideration or other advantage, whether financial or otherwise, which is not available on the same terms and conditions to all other potential operators;
- (ii) the direct or indirect guarantee or honouring of any of the obligations of the operator, including the arrangement or facilitation thereof;
- (iii) the direct or indirect provision of a loan bearing no interest, or interest at a substantially lower rate than would be available commercially to a similar operator under similar conditions, or a loan in respect of which interest payments are deferred for a period of more than six months, including the arrangement or facilitation of the granting of any such loan;
- (iv) allowing an operator to make use, or failing to prevent an operator from making use, of any public resources, including infrastructure, property, facilities, assets, human resources, systems, expertise or intellectual property, or facilitating such action, which would not be available to another similar operator on the same terms and conditions.

(5) The contracting authority must consider the fitness of the tenderer as an operator based, among other things, on the latter’s record of convictions for criminal offences of a type considered to be relevant by that authority.

Assistance by provinces

8. (1) A province may assist a municipality or more than one municipality with the conclusion of a contract or may conclude a contract as agent of a municipality or on behalf of the municipality or municipalities as contemplated by section 238(b) of the Constitution.

(2) In such a case the province and municipality or municipalities, as the case may be, must conclude a written agreement setting out the roles and obligations of the parties, taking into account the provisions of the IGRFA and including, but not limited to—

(a) the financial arrangements applicable to the proposed contract or contracts;

(b) measures that will be undertaken by the province to build capacity and resources into the municipality or municipalities as contemplated by section 154(1) of the Constitution and section 11(1)(b)(v) and (vi) of the Act, and

(c) an undertaking by the municipality or municipalities that they commit to availing resources to be capacitated in building municipal capacity or agree to take over resources that may be sourced and trained by the province for that purpose.

(3) The contract or contracts must be provided for in the integrated transport plans of the relevant municipalities and must assist in providing and integrating public transport services to the communities of the municipalities as required by the Act and the Minimum Requirements.

(4) Before signature of the proposed contract, it must be submitted to the Department and National Treasury for their comments, and the contracting authority must consider any comments that may be submitted by the Department or National Treasury as may be appropriate.

(5) The municipality must obtain a resolution from its municipal council approving the proposed contract before signature of the contract.

Transitional provisions

9. (1) A contract concluded before the date of coming into operation of these regulations remains valid until it expires or until cancelled or terminated, despite the provisions of these regulations.

(2) Negotiations conducted with operators by a contracting authority before the date of coming into operation of these regulations remain valid.

Repeal of previous regulations on contracting for public transport services

10. The National Land Transport Regulations on Contracting for Public Transport Services promulgated in *Government Gazette* 32535 on 31 August 2009 (Government Notice No. R.877) are hereby repealed.

CHAPTER 2: REGULATIONS ON ELECTRONIC-HAILING SERVICES

Definitions for Chapter 2

11. In this Chapter of these regulations, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act or in regulation 1, has the same meaning, and the following words and expressions have the meanings assigned to them:

“agreement” or **“e-hailing service agreement”** means the agreement between an operator and the e-hailing platform provider contemplated in regulation 18;

“app” or **“application”** means a technology-enabled application contemplated in section 66A(1)(a) of the Act;

“child” means a child as defined in the Children’s Act, 2005 (Act No. 38 of 2005);

“ECA” means the Electronic Communications Act, 2005 (Act No. 36 of 2005);

“ECTA” means the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);

“e-hailing platform provider” or **“platform provider”** means a person who provides the application or any technology that is designed or used in enabling the e-hailing public transport service to be provided, including any or all of the value chain elements listed in regulation 15;

“equipment” means equipment as defined in the Type Approval Regulations, 2013;

“identity card” means an identity card as defined in the Identification Act, 1997 (Act No. 68 of 1997);

“operator” means a person who is a holder of an operating licence that entitles operation of e-hailing service before the coming into force of section 66A of the Act and after the coming into force of section 66A, subject to regulation 12, an e-hailing service operating licence issued in accordance with section 66A of the Act read with these regulations;

“RICA” means the Regulation of Interception of Communications and Provision of Communication-Related Information Act, 2002 (Act No.70 of 2002);

“Type Approval Regulations, 2013” means the Type Approval Regulations developed in terms of section 4(1) read with section 35 of the ECA promulgated in *Government Gazette* 36785 of 26 August 2013 under Notice 871, and

“user” means a person who orders a ride for an e-hailing service or a person who uses a ride ordered and paid for by a third party registered as a user in an e-hailing platform.

Application of Chapter 2

12. (1) The regulations in this Chapter apply to all processes contemplated in this Chapter as well as implementation of the provisions of section 66A of the Act.

(2) Operating licences to provide e-hailing services in terms of section 66A of the Act and these regulations may be granted and issued on proper application for such licences to the appropriate regulatory entity.

(3) An application to a regulatory entity for the granting, renewal, amendment, transfer or conversion of an operating licence for an e-hailing service must be lodged by submitting the completed Form 1B attached to the National Land Transport Regulations, 2009, together with the information and documents specified in that Form and the application fee specified in the National Land Transport Regulations, 2009

Requirements for e-hailing services

13. E-hailing services may only be provided where there is an e-hailing platform provider approved by the National Public Transport Regulator and an operating licence has been for the vehicle being used for the e-hailing service.

Conversion of operating licences for e-hailing services issued prior to commencement of section 66A of the Act

14. (1) All operators providing e-hailing services in terms of operating licences issued before the coming into operation of these regulations, regardless of how those services are described in such licences, must apply for the conversion of their operating licences within 180 days of coming into effect of these regulations, to the regulatory entity that issued the licence.

(2) On receipt of the application for conversion, subject to applicable application process and compliance by the operator, the regulatory entity may issue to the operator an operating licence specific to e-hailing services in terms of regulation 23.

(3) Until the regulatory entity has replaced the old operating licence with a new e-hailing service operating licence as provided in sub-regulation (1) and (2), the operator must retain the old operating licence and only hand it over to the regulatory entity when the new operating licence is being issued or the application has been denied.

(4) The regulatory entity must communicate a decision to the applicant not later than 60 days after receipt of the application for conversion if the application complies with the Act, this regulation and the relevant provisions of the National Land Transport Regulations, 2009.

(5) Where an application for conversion has not been submitted as required by sub-regulation (1) within the period mentioned therein, the relevant regulatory entity must cancel the operating licence.

(6) As from a date calculated as 180 days after the date of coming into operation of these regulations, no operator may operate e-hailing services using an operating licence that was issued before the date of coming into operation of these regulations, unless the operator is waiting for the decision of the regulatory entity on its application to convert as contemplated in in sub-regulation (1).

Requirements for e-hailing applications (apps) and e-hailing platform providers

15. (1) The e-hailing application and e-hailing platform provider must be approved by and registered with the National Public Transport Regulator.

(2) An e-hailing platform provider must be a natural or juristic person with valid South African citizenship or permanent residence or be incorporated in terms of South African laws.

(3) All of the equipment used or to be used by the e-hailing platform provider constituting 'equipment' as defined in Type Approval Regulations, 2013 must be type approved and proof thereof be provided to the National Public Transport Regulator as part of the application for registration, or if acquired after registration, before it is used in the provision of the e-hailing transport service.

(4) A platform provider must apply for registration with the National Public Transport Regulator by completing Form 9A attached to these regulations and providing the information required therein and paying the application fee specified in Schedule 2 to the National Land Transport Regulations, 2009.

(5) The National Public Transport Regulator must register the platform provider if the application is compliant and the platform provider complies with these

Regulations and has provided acceptable details of the premises contemplated in sub-regulation (6).

(6) An e-hailing platform provider must have physical premises in the Republic to enable operators to engage with it as well as online presence.

(7) As from a date calculated as 180 days after coming into operation of these regulations, no one may provide an e-hailing service using a platform provider that is not registered in terms of this regulation.

Minimum specifications for e-hailing platform

16. (1) The platform must have at least the following functionalities for the passenger:

- (a) A user must be able to sign up with the e-hailing platform app.
- (b) Provision for the creation of a trip request with end destination.
- (c) Provision for section of a service including categories where the e-hailing platform management company provides for varying service offerings.
- (d) The user must be able to check the price for the ride beforehand.
- (e) The app must enable the user to view live billing as the ride is taking place.
- (f) The user must be able to interact with the driver after the driver has been allocated to the user.
- (g) Provision for push notifications to keep the user up-to-date with the trip request status, driver arrival time, driver and car details.
- (h) The user must be able to contact the driver through the app.
- (i) The platform must enable a user to book the ride for another traveller from own account.
- (j) Payment must be able to be done automatically after the ride is complete, where the rider is making electronic or card payment.
- (k) The user must be able to select a payment method including adding a credit card or debit card beforehand, where it is the user choice of payment.
- (l) The user must be able to review the driver when the trip is complete.
- (m) Panic buttons must be provided in case of emergency which are connected to relevant law enforcement agencies, private security service providers or vehicle

tracking providers appointed by the platform provider, and are tested regularly, at least once a month to ensure that they are still functional.

(n) Panic buttons contemplated in paragraph (m) must be capable of being accessed and used by passengers as well as by the driver of the vehicle.

(2) The platform must have at least the following functionalities for the driver:

(a) The platform must provide for the driver profile and status which must include the following details:

(i) a photograph of the driver not older than 12 months;

(ii) details of the driver's valid driving licence;

(iii) details of the driver's professional driving permit, including expiry dates, and

(iv) the motor vehicle details including at least, make, model, date of first registration in terms of the National Road Traffic Act, registration number and colour.

(b) The driver must be able to receive trip orders to accept or decline, including passenger information regarding the location and destination.

(c) The platform must provide the driver with navigation and route optimisation that offers the best trip route option.

(d) There must be driver delivery reports that provide the driver with daily, weekly, and monthly information regarding trips and earnings, where applicable.

(e) The app may also be capable of charging the user for waiting time starting from a defined parameter as additional cost on top of the base fare.

(f) The app must be able to provide the driver with a heat map that enables the driver to be aware of high demand areas.

Minimum requirements for e-hailing platform administration function

17. The e-hailing platform administration function must at least include the following:

(a) Driver and user management;

(b) Location and fares management using the latest updated maps;

(c) Booking and payment management;

(d) Vehicle management;

(e) Driver orders and payoffs management, and

(f) Customer service centre to report passenger experiences.

E-hailing service agreements

18. The arrangement between the prospective operator and the e-hailing platform provider must be reduced to writing and include at least the following:

- (a) The legal names of the parties as reflected in the identity card or other identity document acceptable to the regulatory entity in the event of natural persons and names as reflected at the institution where the entity is registered in the event of a juristic person.
- (b) The authorized representatives with their full details must be reflected in the event of juristic persons.
- (c) The jurisdiction of the agreement must be the Republic of South Africa.
- (d) The agreement must be conditional upon the prospective operator obtaining the necessary operating licence for the e-hailing services.
- (e) The agreement must provide that all the electronic equipment including a mobile phone to be used by the driver must be compliant with the requirements of RICA and ECA.
- (f) Where the prospective operator will not be driving the vehicle personally, the agreement must provide that the prospective operator will introduce the driver to the platform and that the driver must meet all of the requirements meant to be met in terms of these regulations for a driver to provide e-hailing services.
- (g) The e-hailing service agreement may be in the form of terms and conditions provided by the platform provider to the prospective operator in the form of data as defined in the ECTA.

Minimum safety requirements for e-hailing services

19. (1) The regulatory entity receiving an application for an e-hailing operating licence must, before issuing an operating licence, be satisfied, in addition to the requirements of the Act, the National Road Traffic Act and the National Land Transport Regulations, 2009, that—

- (a) the applicant includes a SAPS 69 Report issued by the South African Police Service regarding the driver of the vehicle, reflecting that he or she does not have criminal record in South Africa that will make him or her not eligible to convey passengers for reward in South Africa;
- (b) the driver has signed a declaration stating that there are no pending criminal investigations against him or her in South African or in another country that may result in conviction for an offence by a court of law, where such offence could have a bearing on the provision by the driver of public transport services;
- (c) the driver holds a relevant driving licence and professional driving permit as required by the National Road Traffic Act;
- (d) the motor vehicle is fitted with a panic button as required by regulation 16(1)(m), and

- (e) the motor vehicle is marked with the information contemplated in regulation 26(1).

Requirements for the e-hailing platform provider to grant access to use of its infrastructure and services

20. The e-hailing platform provider may only grant access to use of its infrastructure and services if the—

- (a) mobile device owner is registered in the system as part of the agreement referred to in regulation 18;
- (b) operator or driver declares in writing that the mobile device to be used is compliant with RICA and ECA and it belongs to the registered driver or operator contracted to the e-hailing platform provider;
- (c) passenger is in possession of a mobile device that will be used by him or her to hail the service with the device that is compliant with RICA and ECA and such passenger has registered with the platform provider by including his or her identity number or passport number as well as residential address, and
- (d) operator is the holder of an operating licence issued by the regulatory entity for the e-hailing service as required by the Act and these regulations.

Suspension or cancellation of access to e-hailing platform

21. (1) The e-hailing platform provider must suspend or cancel access to the e-hailing platform of the operator and the operator's driver as soon as it becomes aware of non-compliance with the access conditions.

(2) Such platform provider must give notice of such suspension or cancellation and the reasons to the regulatory entity that issued the operating licence to the operator as soon as possible, but not later than 48 hours after such suspension or cancellation.

(3) The operator must notify the regulatory entity that issued the operating licence as soon as access to e-hailing platform has been suspended or cancelled by the e-hailing platform provider within 24 hours of such notification.

(4) Where the operator has been suspended or cancelled by all e-hailing platforms, that operator must cease to operate until access has been restored and must hand in the operating licence to the regulatory entity within 48 hours of the suspension or cancellation until access has been restored.

Use of more than one e-hailing platform provider

22. (1) An operator may have agreements with more than one approved e-hailing platform provider at the same time.

(2) On registering with a new e-hailing platform provider, the operator must notify the regulatory entity that issued the e-hailing operating licence in writing within 48 hours of so registering.

Minimum requirements for regulatory entity to grant e-hailing service operating licence

23. (1) An applicant applying for an e-hailing operating licence must complete Form 1B attached to the National Land Transport Regulations, 2009 and pay the application fee specified in those Regulations.

(2) In addition to any other documents that may be required in terms of the National Land Transport Regulations, 2009, the applicant must also submit a copy of the agreement signed or terms and conditions accepted by the applicant with the e-hailing platform provider, which complies with the requirements listed in regulation 18.

(3) Where the platform provider has categories of vehicles to provide different standards for passengers, the application for an operating licence must indicate that is so and the standards must be incorporated in the operating licence conditions.

Minimum requirements for electronic equipment used for e-hailing services

24. No equipment may be used in providing the e-hailing service by the e-hailing platform provider, operator, driver or user unless—

- (a) it is type approved in terms of the Type Approval Regulations, 2013, where required;
- (b) it is used in compliance with RICA;
- (c) it is registered to the e-hailing platform provider, operator and driver, and
- (d) the registration for RICA is compliant with section 39 of RICA.

E-receipt for passengers

25. (1) The operator must issue every passenger using and paying for an e-hailing service with an electronic receipt.

(2) The electronic receipt must reflect at least the following details:

- (a) The name and business address of the operator;
- (b) The operating licence number issued for the motor vehicle conveying the user;
- (c) The e-hailing platform provider used for the service;
- (d) The start and end points plus amount paid for the ride;

- (e) The date and time the receipt was issued corresponding with the time of the ride by the user;
- (f) The name of the driver, and
- (g) The make, model and registration number of the motor vehicle used for the ride.

(3) For the purposes of this regulation, issuing includes any form of electronic communication accessible to the passenger or ride organiser through which the electronic receipt may be received.

Marking and branding of motor vehicles used for e-hailing services

26. (1) A motor vehicle used for e-hailing services must be marked with full details of the operator, including name and business address on both sides of the front doors at all times while providing the services.

(2) The contact telephone or mobile phone number of the operator or management company, if the operations are managed through a management company, must be included in the details.

(3) The contact telephone or mobile phone number written on the motor vehicle must be in working order at all times when the service is provided.

(4) Subject to this regulation, the motor vehicle may be branded according to the operator's requirements.

(5) Notwithstanding the provisions of section 50(2) of the Act, a motor vehicle used for e-hailing services may not be branded for other services while it is being used for e-hailing services.

Notices by regulatory entity and planning authority to e-hailing platform provider

27. The National Public Transport Regulator, a regulatory entity or a planning authority may issue a notice to an e-hailing platform provider under the following circumstances:

- (a) Requesting records pertaining to any operator licensed with that e-hailing platform provider and using the e-hailing platform provider concerned;
- (b) Requesting any information necessary for transport planning purposes;
- (c) Requesting any other information or a response arising out of any inquiry where the e-hailing platform provider is involved;
- (d) In the event of any contravention of the Act or these regulations or licensing conditions pertaining to an operator licensed using the e-hailing platform provider, or

- (e) Any other matter that the National Public Transport Regulator, a regulatory entity or a planning authority considers relevant for the purposes of its powers and functions in terms of the Act.

Transitional arrangements

28. (1) Any operating licence issued for e-hailing service before the coming into operation of these regulations remains valid subject to regulation 14.

(2) An application for an operating licence for an e-hailing service that is before a regulatory entity on coming into effect of these regulations must be finalised in accordance with these regulations.

(3) An operator using an e-hailing platform that is not approved by the National Public Transport Regulator will not be granted and issued with e-hailing services operating licence.

CHAPTER 3: REGULATIONS ON CONVERSION OF PERMITS AND INDEFINITE PERIOD OPERATING LICENCES TO OPERATING LICENCES REQUIRED BY THE ACT

Definitions for Chapter 3

29. In this Chapter, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act or in regulation 1, has the same meaning, and the following expression has the meaning assigned to it:

“operating licence for conversion” means an operating licence contemplated in section 47(1) of the Act that was issued in terms of the Transition Act for an indefinite period or a period exceeding seven years.

Application of Chapter 3

30. This Chapter applies to all holders of permits and operating licences for conversion, and to persons operating vehicles conveying passengers for reward without operating licences, where they are required to hold operating licences in terms of the Act.

General conversion

31. (1) As required by section 47 of the Act, all holders of permits and operating licences for conversion must apply for conversion of such permits and operating licences to definite period operating licences, and must do so within 24 months of coming into operation of these regulations.

(2) Application for conversion must be made to the relevant regulatory entity by completing the form prescribed in the National Land Transport Regulations, 2009.

(3) The applicant for conversion must have been providing the services authorised by the permit or operating licence for conversion continuously for 180 days as required in terms of section 47(3) of the Act.

(4) The applicant must provide proof of having operated continuously as required by sub-regulation (3) to the satisfaction of the regulatory entity, as contemplated in sub-regulation (5).

(5) The manner of proving continuous operation for 180 days will be at the discretion of the regulatory entity to which the application is made and may include evidence provided by rank marshals, driver employment records and vehicle service records, bank statements showing regular money deposits, association subscription and membership fees or records or any other records that may, when collectively viewed, suggest sufficient proof that the services have been operated as required to qualify for conversion: Provided that the foregoing is not intended to be exhaustive and the different modes of public transport services may be able to provide proof differently based on how they operate.

(6) The permit or operating licence sought to be converted must be linked to a motor vehicle owned by the holder thereof as required by section 64(1) of the Act and have been used to provide the service authorised by such permit or licence for the minimum duration of 180 days prior to the application for conversion.

(7) A permit or operating licence that cannot be linked to a motor vehicle as required in terms of sub-regulation (6) may not be converted to an operating licence.

Legalisation of qualifying persons who do not hold permits or operating licences

32. (1) Persons who have been operating public transport services without holding the required permit or operating licence and who qualify in terms of sub-regulation (4) may apply for operating licences to legalise the services they have been operating.

(2) The regulatory entities must issue invitations by a notice or notices in newspapers circulating in the relevant area and by placing notices at their offices and

at appropriate public transport ranks or terminals as well as on the website of the relevant entity, for persons who have been operating without permits or operating licences to apply for the required licences as special applications in terms of this regulation.

(3) The invitations contemplated in sub-regulation (2) must be for a period of not more than 90 days for applicants to submit applications for operating licences.

(4) Applicants for legalisation in terms of this regulation must provide proof to the regulatory entity that they have been providing the relevant public transport services for not less than 180 days prior to the application including details of the motor vehicle or vehicles registered in their names in terms of the National Road Traffic Act that have been used in the provision of the services.

(5) The information contemplated in regulation 31(5) may be provided as proof that the applicant has been operating as required by sub-regulation (4).

(6) The application must be processed terms of the Act and the National Land Transport Regulations, 2009 for the type of service applied for and the Department may issue practice notes or guidelines to guide regulatory entities in this regard.

(7) In the case of a minibus taxi-type service, application for legalisation may only be made if the applicant is a member of an association that was provisionally or fully registered in terms of the Transition Act or provincial legislation, and only for routes that were so registered.

(8) In considering applications for operating licences in terms of this regulation, the regulatory entity may take into account the fact that a similar application by the applicant was previously refused by any regulatory entity or was blocked in any way in the past terms of the special procedures for legalisation contemplated in section 41 of the Transition Act, or any similar process provided in provincial legislation.

CHAPTER 4: MORATORIUM ON APPLICATIONS FOR OPERATING LICENCES FOR NON-CONTRACTED SERVICES

Imposition of moratorium on applications for operating licences for non-contracted services

33. (1) The planning authority intending to impose a moratorium on applications for operating licences or the issuing of operating licences in terms of section 39(1)(b) read with section 55(3) of the Act must—

- (a) conduct a survey on the route or routes targeted for the moratorium, which must include a list of all operators and vehicles using the route or routes for non-

contracted public transport services, including details of operating licences authorising such services on the route or routes, a list of vehicles operating such services without operating licences, the names of associations of which the operators are members as well as any other relevant information that the planning authority may consider in compliance with the Act: Provided that such a survey is not necessary if the planning authority has a current integrated transport plan that already contains the required information;

- (b) compile a list of operators that are lawfully operating on the route as well as the association or associations that are legally registered to operate the route;
- (c) consult with the operators, associations representing legal operators, the MEC and the regulatory authority responsible for issuing operating licences for the route;
- (d) comply with all the local government legislation regarding public consultation, to the extent required in arriving at and taking a decision to declare a moratorium;
- (e) request the assistance of the MEC or the Minister where it has identified the need for a moratorium but does not have the relevant integrated transport plan or funds to conduct a survey in terms of paragraph (a) above, and
- (f) after consultation in terms of paragraph (c) make a decision that must be communicated to all the consulted stakeholders by written correspondence or through a notice in the *Gazette*.

(2) The planning authorities in a province may enter into an agreement with the province in terms of section 12(1) of the Act to provide for the provincial declaration of moratoria.

(3) Where the province takes responsibility to declare a moratorium as contemplated in sub-regulation (2), the surveys and consultation processes may be conducted by the province on behalf of the planning authorities who are parties to the section 12(1) agreement.

(4) The moratorium must be declared for a definite period of not more than two years at a time.

(5) The declared moratorium may be extended once for a period not exceeding one year without following the process provided for in sub-regulation (1)(a), whereafter the survey and consultations must be conducted for further extension of the moratorium.

Effect of moratorium on pending applications for operating licences

34. Where a moratorium is imposed in terms of this Chapter, applications for operating licences pending before the regulatory entity on the date of commencement

of the moratorium must be processed by the regulatory entity, and if the application is granted the relevant operating licence must be issued despite the moratorium.

Invitation for new applications for operating licences under special circumstances

35.(1) Despite the existence of a moratorium, the planning authority may invite applications for new operating licences where new developments or other changed circumstances require public transport services during the course of the moratorium.

(2) A planning authority may declare a moratorium in terms of this Chapter for a specific route or routes or a specific area or areas, which may exclude routes or areas where new developments are or have been taking place or where circumstances have changed as contemplated in sub-regulation (1).

CHAPTER 5: GENERAL PROVISIONS

Rationalising services

36. In rationalising services on a route in terms of section 39 of the Act the planning authority must—

- (a) conduct a survey on the route to compile a list, insofar as possible, of operators providing services on the route, and a list of the associations that represent those operators, provided that this information is not available from the relevant integrated transport plan or plans;
- (b) identify and make a list of organisations representing passengers being conveyed on the route, including those representing targeted categories of passengers;
- (c) consult with the operators, associations and organisations identified and listed under paragraphs (a) and (b) on the proposed rationalisation;
- (d) liaise with and, where appropriate, conclude an agreement with law enforcement authorities in terms of section 85(2) of the Act to identify and prosecute operators using the route without the required operating licences or permits, or contrary to the conditions of those licences or permits, and to take steps in consultation with the relevant regulatory entity to ensure that the operators either obtain the necessary licences or cease operating on the route, and
- (e) where appropriate direct the regulatory entity to impose a moratorium on new applications for operating licences on the route in terms of section 55(3) of the Act.

Offences and penalties

37. (1) An operator who—

(a) contravenes regulation 14(6); or

(b) fails to issue an electronic receipt for e-hailing services that complies with regulation 25(4);

commits an offence.

(2) A platform provider who fails to comply with a request under regulation 27 commits an offence.

(3) Any person who contravenes regulation 15(6) commits an offence.

(4) A person who commits an offence contemplated in sub-regulation (1), (2) or (3) is liable on conviction to a fine not exceeding R100 000.

38. Amendment of National Land Transport Regulations, 2009

The National Land Transport Regulations, 2009 are hereby amended by—

(a) renumbering the third paragraph of sub-regulation 34A(1) as paragraph (c) and replacing the words “Form 5AA” in that sub-regulation with the words “Form 1A”;

(b) deleting the words “as contemplated in regulation 35A(1)” in regulation 35(1);

(c) replacing the words “Form 5AA” in sub-regulation 35(2) with the words “Form 1A”;

(d) replacing the words “Form 5AA” in sub-regulation 36(1) with the words “Form 1A”;

(e) Deleting Form 5AA as well as the reference to it in the List of Forms;

(f) Replacing Forms 1A and 1B with the attached forms;

(g) Inserting the attached Form 9A as a new form;

(h) replacing Schedule 2 to such Regulations (Table of Fees) with the following:

SCHEDULE 2: TABLE OF FEES

Regulation	Description	Fee
2(1), 3(1), 6(1), 7(1), 10(1), 11(1), 15(2), 16(1)	Application for new operating licence, or for renewal, amendment, transfer or conversion of an operating licence or permit	R600,00
6(6)	Submission of application to the NPTR in terms of section 21(4) of the Act	R600,00
17(4)(b) and (c)	Inspection of documents or requesting copies	R100,00 per request
17(4)(d)	Providing copies	R2,00 per folio
20	Application for temporary operating licence	R100,00
26	Application for written authorization to replace a vehicle temporarily	R100,00
28, 36(8)	Application for duplicate operating licence or decal	R600,00
29(3)	Notification of courtesy service to NPTR	R600,00
30(1), 35(1)	Application for accreditation, or renewal of accreditation of a tourist transport operator or for amendment of conditions of accreditation	R2 000,00
15(4) of the Second National Land Transport Regulations, 2024	Application to the NPTR for registration by platform provider	R5000,00

Short title and commencement

39. (1) These regulations are called the Second National Land Transport Regulations, 2024 and come into operation on the date of publication in the *Gazette*.

(2) Different provisions of these regulations may be brought into operation on different dates.

REGULATORY ENTITY which issued the operating licence/permit

Date of issue / / Expiry date / /
Y Y Y Y M M D D Y Y Y Y M M D D

Attach a certified copy of the operating licence or permit. A permit must first be converted to an operating licence before it may be renewed, amended or transferred. The original permit must be handed in upon upliftment of operating licence

FORM 1A PAGE 3

SECTION E (Compulsory for application types 2)

PARTICULARS OF PERSON OR ENTITY TO WHICH THE OPERATING LICENCE IS TO BE TRANSFERRED
 (in the case of an application for transfer)

Name of company, partnership corporation or other legal entity, or surname in the case of sole proprietor

First names, if sole proprietor (not more than 3)

Type of identification	RSA identity document	Temporary identity certificate	
*Attach a certified copy	Passport	Foreign identity document	
	Founding statement	Certificate of incorporation	
	Letters of Authority (trust)	Partnership Agreement	

Identity no./passport no./ business registration number

Trade name (if applicable)

Type of business

Postal address and code

 Postal Code

Street address (if different from postal address) *Domicillium citandi et executandi*

 Postal Code

Telephone number(s) Code

Code

Facsimile number (if any) Code

E-mail address (if any)

Income tax registration number

*Attach original Tax Clearance Certificate/SARS Tax Compliance Status PIN letter

*Include written consent of transferor

FORM 1A PAGE 4
SECTION F (Compulsory for all application types)

TYPE OF PUBLIC TRANSPORT SERVICE

[Tick type of service: it may be necessary to tick more than one]

Type of service *Please attach a certified copy of the contract between the	<input type="checkbox"/> Scheduled bus service	<input type="checkbox"/> Minibus-taxi-type service
	<input type="checkbox"/> Staff service	<input type="checkbox"/> Charter service
	<input type="checkbox"/> Courtesy vehicle	<input type="checkbox"/> Metered taxi service
	<input type="checkbox"/> * Scholar transport service	<input type="checkbox"/> e-Hailing service
	<input type="checkbox"/> Tourist transport service	<input type="checkbox"/> Other services

operator and school or other educational institution or letter of authorisation from the principal or authorised administrative officer.

*Attach certified copies of the professional driving permits of all the drivers to be used for this service.

Other type of service (describe)

Number of passengers that will be carried

--	--	--

In the case of a long-distance service, state why passengers cannot use existing transport services

and motivate why the proposed service is necessary (supporting documents may be attached).

In the case of a renewal, amendment, transfer or conversion, have the services been provided continuously for a period of 180 days prior to the date of application?

YES	NO
-----	----

If NO, give reasons

*Any recommendations or documentation in support of this application may be attached.

.....
Signature

.....
Date

.....
Name of person

Name of legal entity (if applicable)

SECTION L (Compulsory for all application types)

VEHICLES DETAILS

For a new application please indicate the type of vehicle/s that you intend to purchase (if no vehicle is owned at present):

*Please note that operating licences are granted per vehicle. Therefore, the applicant is required to pay the fee for each vehicle listed in this application. If applications are made for more than three (3) vehicles please attach a separate page containing the details below:

Number of vehicles to be purchased:

Type:	No.	Seating capacity			
Motor car	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Minibus	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Midibus	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Bus	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Other	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Vehicle 1:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased? YES NO

Vehicle 2:

Vehicle registration number

FORM 1A PAGE 8

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased? YES NO

Vehicle 3:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased YES NO

SECTION M- FOR OFFICE USE ONLY

OTHER CONDITIONS IMPOSED BY THE REGULATORY ENTITY (if applicable)

This operating licence is issued subject to the following conditions

*Or attach conditions imposed as a schedule

Date of issue / /
Y Y Y Y M M D D

.....
Signature of designated official of Regulatory Entity

OPERATING LICENCE PARTICULARS

Operating licence 1

Operating Licence number

Valid from / / to / /
Y Y Y Y M M D D Y Y Y Y M M D D

Captured application details on OLAS / /
Y Y Y Y M M D D

Date submitted to Publications / /
Y Y Y Y M M D D

Date referred to PREs and Planning Authority / /
Y Y Y Y M M D D

Operating Licence 2:

Operating Licence number

Valid from / / to / /
Y Y Y Y M M D D Y Y Y Y M M D D

Captured application details on OLAS / /
Y Y Y Y M M D D

Date submitted to Publications / /
Y Y Y Y M M D D

Date referred to PREs and Planning Authority / /
Y Y Y Y M M D D

Operating Licence 3:

Operating Licence number

Valid from / / to / /
Y Y Y Y M M D D Y Y Y Y M M D D

Captured application details on OLAS / /
Y Y Y Y M M D D

Date submitted to Publications / /
Y Y Y Y M M D D

Date referred to PREs and Planning Authority / /
Y Y Y Y M M D D

*In the case of more operating licences, provide the same particulars on a separate sheet as an attachment.

FORM 1A PAGE 10

FOR OFFICE USE ONLY

Date Application received / /
Y Y Y Y M M D D

Captured application details on OLAS / /
Y Y Y Y M M D D

Reference number

Receipt number

Amount paid R

Date submitted to Publications / /
Y Y Y Y M M D D

Date referred to PREs and planning Authority / /
Y Y Y Y M M D D

Valid from / / to / /
Y Y Y Y M M D D Y Y Y Y M M D D

Official's name
 / /
Y Y Y Y M M D D

CHECKLIST		
A certified copy of one of the following:	RSA Identity Document	
	Passport	
	Temporary RSA identity Document	
	Foreign Identity Document	
	Partnership Agreement	
	Board Resolution/ Founding agreement	
Valid Tax Clearance Certificate/SARS Tax Compliance Status PIN		
Valid vehicle licence and registration		
Has signed a statement to the effect that he or she or it, will comply with labour laws in respect of drivers and other staff, as well as sectoral determinations of the Department of Employment and Labour.		
Copies of operating licences or permits of vehicles operated (if applicable).		
Letter or document of recommendation in support of the application (if any).		

PROVINCIAL LOGO

******* PROVINCIAL REGULATORY ENTITY**

NATIONAL LAND TRANSPORT ACT 2009, (ACT NO. 5 OF 2009)

APPLICATION FOR THE GRANTING, RENEWAL, AMENDMENT, TRANSFER OR CONVERSION OF AN OPERATING LICENCE OR PERMIT

SECTION A (Compulsory for all application types)

TYPE OF APPLICATION

This application is for:

Application type:	Compulsory sections to be completed by applicant:
1) New operating licence <input type="checkbox"/>	A, B, C, F, G, H, K, L
2) Transfer of an operating licence or permit <input type="checkbox"/>	A, B, C, D, E, F, G, H, K, L A, B, C, D, F, G, H, K, L
3) Amendment of an operating licence or permit for:	
a) Additional authority <input type="checkbox"/>	
b) Amendment of route or area <input type="checkbox"/>	
c) Change of particulars <input type="checkbox"/>	
e) Amendment of timetables, tariffs or other conditions <input type="checkbox"/>	
f) Replace existing vehicle <input type="checkbox"/>	
g) OL for recapitalised vehicle <input type="checkbox"/>	
4) Renewal of an operating licence or permit <input type="checkbox"/>	A, B, C, D, F, G, H, K, L
5) Conversion of a permit to an operating licence <input type="checkbox"/>	A, B, C, D, F, G, H, K, L

SECTION B (Compulsory for all application types)

PARTICULARS OF APPLICANT

Name of company, partnership corporation or other legal entity, or surname in the case of sole proprietor

First names, if sole proprietor (not more than 3)

Type of identification

*Attach a certified copy

RSA identity document	Temporary identity certificate	
Passport	Foreign identity document	

FORM 1B PAGE 2

Identity no./passport no./
business registration number

Trade name (if applicable)

Type of business

Postal address and code

 Postal Code

Street address (if different from
postal address) *Domicillium
citandi et executandi*
 Postal Code

Telephone number(s) Code
 Code

Facsimile number (if any) Code

E-mail address (if any)

Income tax registration
number
[Attach original Tax Clearance Certificate]

SECTION C (Compulsory for all application types)

PARTICULARS OF PERSON RESPONSIBLE FOR A JURISTIC PERSON

In the case of a company, partnership, close corporation or other juristic person, particulars of the person responsible to represent it must be given:

Surname

First names (not more than 3)

Identity number

Type of identification

RSA identity number	Passport
Other (specify)	

Telephone number Code

Cell number

SECTION D (Compulsory for application types 2,3,4 and 5)

PARTICULARS OF EXISTING OPERATING LICENCE OR PERMIT (in the case of an application for renewal, amendment, transfer or conversion)

Operating licence number/permit
number

REGULATORY ENTITY which
issued the operating
licence/permit

Date of issue / / Expiry date / /
Y Y Y Y M M D D Y Y Y Y M M D D

Attach a certified copy of operating licence or permit. A permit must first be converted to an operating licence before it may be renewed, amended or transferred. The original permit must be handed in upon upliftment of operating licence

FORM 1B PAGE 4

SECTION F (Compulsory for all application types)

TYPE OF PUBLIC TRANSPORT SERVICE

[Tick type of service: it may be necessary to tick more than one]

Type of service *Please attach a certified copy of the contract between the	<input type="checkbox"/>	Scheduled bus service	<input type="checkbox"/>	Minibus-taxi-type service	<input type="checkbox"/>
	<input type="checkbox"/>	Staff service	<input type="checkbox"/>	Charter service	<input type="checkbox"/>
	<input type="checkbox"/>	Courtesy vehicle	<input type="checkbox"/>	Metered taxi service	<input type="checkbox"/>
	<input type="checkbox"/>	Scholar transport service	<input type="checkbox"/>	e-Hailing service	<input type="checkbox"/>
	<input type="checkbox"/>	Tourist transport service	<input type="checkbox"/>	Other services	<input type="checkbox"/>

operator and school or other educational institution or letter of authorisation from the principal or authorised administrative officer.

*Attach certified copies of the professional driving permits of all the drivers to be used for this service.

Other type of service (describe)

Number of passengers that will be carried

--	--	--

In the case of a long-distance service, state why passengers cannot use existing transport services

and motivate why the proposed service is necessary (supporting documents may be attached).

In the case of a renewal, amendment, transfer or conversion, have the services been provided continuously for a period of 180 days prior to the date of application?

YES	NO
-----	----

If NO, give reasons

*Any recommendations or documentation in support of this application may be attached.

FORM 1B PAGE 8

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased? YES NO

Vehicle 3:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased YES NO

SECTION M- FOR OFFICE USE ONLY

OTHER CONDITIONS IMPOSED BY THE REGULATORY ENTITY (if applicable)

This operating licence is issued subject to the following conditions
*Or attach conditions imposed as a schedule

Date of issue / /
Y Y Y Y / M M / D D

.....
Signature of designated official of Regulatory Entity

FORM 1B PAGE 10

Valid from / / to / /
Y Y Y Y M M D D Y Y Y Y M M D D

Captured application details on OLAS / /
Y Y Y Y M M D D

Date submitted to Publications / /
Y Y Y Y M M D D

Date referred to PREs and Planning Authority / /
Y Y Y Y M M D D

*In the case of more operating licences, provide the same particulars on a separate sheet as an attachment.

FOR OFFICE USE ONLY

Date Application received / /
Y Y Y Y M M D D

Captured application details on OLAS / /
Y Y Y Y M M D D

Reference number

Receipt number

Amount paid R

Date submitted to Publications / /
Y Y Y Y M M D D

Date referred to PREs and planning Authority / /
Y Y Y Y M M D D

Valid from / / to / /
Y Y Y Y M M D D Y Y Y Y M M D D

Official's name
 / /
Y Y Y Y M M D D

CHECKLIST		
A certified copy of one of the following:	RSA Identity Document	
	Passport	
	Temporary RSA identity Document	
	Foreign Identity Document	
	Partnership Agreement	
	Board Resolution/ Founding agreement	
Valid Tax Clearance Certificate/SARS Tax Compliance Status PIN		
Valid vehicle licence and registration		
Has signed a statement to the effect that he or she or it, will comply with labour laws in respect of drivers and other staff, as well as sectoral determinations of the Department of Employment and Labour.		
Copies of operating licences or permits of vehicles operated (if applicable).		
Letter or document of recommendation in support of the application (if any).		

FORM 9A PAGE 3

SECTION D

CHANGE OF CONDITIONS

In the case of an application to amend conditions of approval, describe the conditions to be amended and the reasons therefor:

Empty rectangular box for describing conditions to be amended and reasons therefor.

SECTION E

DECLARATION

I the undersigned (full name) certify that the information furnished in this application form is true and correct. I accept that the information supplied in this application is found to be false, the application will be rejected and I may be disqualified from making an application for in the future.

.....
Signature

.....
Date

.....
Name of person

Name of legal entity (if applicable) [Empty grid box]

SECTION F- FOR OFFICIAL USE ONLY

OTHER CONDITIONS IMPOSED BY THE NPTR (if applicable)

This approval is issued subject to the following conditions

Empty rectangular box for listing conditions.

*or attach conditions on a separate sheet

FORM 9A PAGE 5

CHECKLIST	
A certified copy of one of the following:	RSA Identity Document
	Passport
	Temporary RSA identity Document
	Foreign Identity Document
	Partnership Agreement
	Founding agreement
	Certificate of Incorporation
	Letters of Authority (trust)
Valid Tax Clearance Certificate/ SARS Tax Compliance Status PIN letter	
Proof of address in South Africa not older than 3 months	
Full copy of registration documents of the legal entity type/ Partnership agreement	
Letter or document of recommendation in support of the application (if any).	