



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

R1,00 Prys • Price
R0,10 Plus 10% BTW • VAT

R1,10 Verkoopprys • Selling price
Buitelands **R1,40** Other countries
Posvry • Post free

VOL. 324

KAAPSTAD, 24 JUNIE 1992

CAPE TOWN, 24 JUNE 1992

No. 14067

KANTOOR VAN DIE STAATSPRESIDENT

No. 1760.

24 Junie 1992

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 86 van 1992: Algemene Wysigingswet op Vervoer, 1992.

STATE PRESIDENT'S OFFICE

No. 1760.

24 June 1992

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 86 of 1992: Transport General Amendment Act, 1992.

ALGEMENE VERDUIDELIKENDE NOTA:

- [** **]** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Handelskeepvaartwet, 1951, ten einde die bevoegdheid van die Minister van Vervoer om hawe-welsynkomitees aan te stel, te skrap; tot wysiging van die Wet op Nasionale Verkeersveiligheid, 1972, ten einde die Nasionale Verkeersveiligheidsraad af te skaf, en die werksaamhede en bevoegdhede van die raad aan die Direkteur-generaal: Vervoer oor te dra, wat dit onderworpe aan die beheer en voorskrifte van die Minister van Vervoer verrig en uitoefen; en tot wysiging van die Wet op die Vervoeradviesraad, 1987, ten einde die samestelling van die Vervoeradviesraad te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Junie 1992.)*

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 6 van Wet 57 van 1951, soos gewysig deur artikel 6 van Wet 30 van 1959, artikel 3 van Wet 40 van 1963, artikel 3 van Wet 5 van 1976 en artikel 15 van Wet 58 van 1987

1. Artikel 6 van die Handelskeepvaartwet, 1951, word hierby gewysig—
 - (a) deur subartikel (6) te skrap;
 - (b) deur subartikels (8) en (9) deur onderskeidelik die volgende subartikels te vervang:
 - “(8) Die lede van **[elke hawe-welsynkomitee en]** elke in sub- 10
artikel (7) bedoelde komitee word deur die Minister ooreenkomstig
die regulasies aangestel, en gemelde rade en komitees verrig hul
werksaamhede ooreenkomstig die regulasies.
 - (9) Aan lede van **[’n hawe-welsynkomitee en]** ’n komitee 15
aangestel kragtens subartikel (7), word sodanige toelaes vir
onderhoud en vervoer betaal as wat voorgeskryf is deur die
regulasies kragtens hierdie Wet gemaak of, as hulle lede van die
staatsdiens is, die toelaes vir onderhoud en vervoer wat voorgeskryf
word deur of kragtens die wette op die staatsdiens.”; en
 - (c) deur subartikel (10) te skrap. 20

Wysiging van artikel 1 van Wet 9 van 1972, soos gewysig deur artikel 1 van Wet 59 van 1981 en artikel 19 van Wet 84 van 1986

2. Artikel 1 van die Wet op Nasionale Verkeersveiligheid, 1972, word hierby gewysig—

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Merchant Shipping Act, 1951, so as to delete the power of the Minister of Transport to appoint port welfare committees; to amend the National Road Safety Act, 1972, so as to abolish the National Road Safety Council, and transfer the functions and powers of the council to the Director-General: Transport, who shall perform and exercise them subject to the control and directions of the Minister of Transport; and to amend the Transport Advisory Council Act, 1987, so as to amend the constitution of the Transport Advisory Council; and to provide for matters connected therewith.

*(English text signed by the State President.)
(Assented to 18 June 1992.)*

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 6 of Act 57 of 1951, as amended by section 6 of Act 30 of 1959, section 3 of Act 40 of 1963, section 3 of Act 5 of 1976 and section 15 of Act 58 of 1987

1. Section 6 of the Merchant Shipping Act, 1951, is hereby amended—

(a) by the deletion of subsection (6);

(b) by the substitution for subsections (8) and (9) of the following subsections, respectively:

10 “(8) The members of **[every port welfare committee and]** every committee referred to in subsection (7) shall be appointed by the Minister in accordance with the regulations, and the said councils and committees shall perform their functions in accordance with the regulations.

15 “(9) There shall be paid to members of **[any port welfare committee and]** any committee appointed under subsection (7) such allowances towards subsistence and transport as may be prescribed by the regulations made under this Act, or, if they are members of the public service, such allowances towards subsistence and transport as are prescribed by or under the laws governing the public service.”; and

20 (c) by the deletion of subsection (10).

Amendment of section 1 of Act 9 of 1972, as amended by section 1 of Act 59 of 1981 and section 19 of Act 84 of 1986

25 2. Section 1 of the National Road Safety Act, 1972, is hereby amended—

- (a) deur die omskrywing van "Bestuurskomitee" te skrap;
- (b) deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:
"Minister" die Minister van **[Vervoerwese] Vervoer**;"
- (c) deur die omskrywing van "Nasionale Vervoerkommissie" te skrap; 5
- (d) deur die omskrywing van "Padveiligheidsraad" te skrap;
- (e) deur die omskrywing van "Raad" te skrap;
- (f) deur die omskrywing van "Republiek" te skrap;
- (g) deur die omskrywing van "Staatsdiens" te skrap; en
- (h) deur die omskrywing van "vasgestelde datum" te skrap. 10

Herroeping van artikels 2, 3 en 4 van Wet 9 van 1972

3. Artikels 2, 3 en 4 van die Wet op Nasionale Verkeersveiligheid, 1972, word hierby herroep.

Vervanging van artikel 5 van Wet 9 van 1972

4. Artikel 5 van die Wet op Nasionale Verkeersveiligheid, 1972, word hierby 15
deur die volgende artikel vervang:

"Oogmerk en uitvoering

5. (1) Die oogmerk van hierdie Wet is om verkeersveiligheid in die Republiek te bevorder.
- (2) Die Minister bepaal die beleid wat met betrekking tot die bevordering van verkeersveiligheid gevolg moet word. 20
- (3) Die Direkteur-generaal verrig sy werksaamhede en oefen sy bevoegdhede uit onderworpe aan die beheer en voorskrifte van die Minister."

Vervanging van artikel 6 van Wet 9 van 1972

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5. Artikel 6 van die Wet op Nasionale Verkeersveiligheid, 1972, word hierby
deur die volgende artikel vervang:

"Werksaamhede van Direkteur-generaal

6. Die **[Raad] Direkteur-generaal** moet—
- (a) 'n omvattende navorsingsprogram om verkeersveiligheid te bewerkstellig, opstel, dit stelselmatig uitvoer **[na oorlegpleging met die Wetenskaplike en Nywerheidsnavorsingsraad en die Nasionale Vervoerkommissie aangaande die volgorde van uitvoering van dié program, en, as deel van die uitvoering van daardie program]** en navorsingsprojekte toewys aan persone wat, volgens **[die]** sy oordeel **[van die Raad]**, die beste toegerus is om dit uit te voer; 30
 - (b) die versameling van inligting in verband met verkeersveiligheid, en die beskikbaarstelling daarvan aan belanghebbende owerhede en persone en die publiek in die algemeen, onderneem; 40
 - (c) voorligting betreffende verkeersveiligheid gee deur middel van die reël van kongresse, simposia, somerkursusse en studieweke, deur middel van massakommunikasiemedie en op enige ander wyse wat die **[Raad] Direkteur-generaal** goedvind;
 - (d) oorleg pleeg met owerhede en persone wat belang by 'n verkeersveiligheidstelsel het ten einde **[die Minister behulpzaam te wees met die koördinering en aktivering van]** die bestryding van **[verkeersongelukke]** verkeersbotsings te koördineer en te aktiveer; 45
 - (e) **[op versoek van die Minister]** ondersoek doen na **[en verslag en aanbevelings doen oor]** enige aangeleentheid wat binne die oogmerke van hierdie Wet val; 50
 - (f) **[die]** enige ander **[take]** taak verrig wat binne die oogmerke van hierdie Wet val **[en wat die Minister die Raad oplaë];**

TRANSPORT GENERAL AMENDMENT ACT, 1992

Act No. 86, 1992

- (a) by the deletion of the definition of "Council";
 (b) by the deletion of the definition of "fixed date";
 (c) by the deletion of the definition of "Managing Committee";
 5 (d) by the substitution for the definition of "Minister" of the following definition:
 " 'Minister' means the Minister of Transport **[Affairs]**;" ;
 (e) by the deletion of the definition of "National Transport Commission";
 (f) by the deletion of the definition of "public service";
 (g) by the deletion of the definition of "Republic"; and
 10 (h) by the deletion of the definition of "Road Safety Council".

Repeal of sections 2, 3 and 4 of Act 9 of 1972

3. Sections 2, 3 and 4 of the National Road Safety Act, 1972, are hereby repealed.

Substitution of section 5 of Act 9 of 1972

- 15 4. The following section is hereby substituted for section 5 of the National Road Safety Act, 1972:

"Object and execution

5. (1) The object of this Act is to promote road safety in the Republic.
 20 (2) The Minister determines the policy that shall be followed with regard to the promotion of road safety.
 (3) The Director-General shall perform his functions and exercise his powers subject to the control and directions of the Minister."

Substitution of section 6 of Act 9 of 1972

- 25 5. The following section is hereby substituted for section 6 of the National Road Safety Act, 1972:

"Functions of Director-General

6. The **[Council]** Director-General shall—
 30 (a) prepare a comprehensive research programme to effect road safety, carry it out systematically **[after consultation with the Council for Scientific and Industrial Research and the National Transport Commission as to the sequence of the carrying out of such programme, and, as part of the carrying out of that programme]** and assign research projects to persons who, in
 35 **[the]** his opinion **[of the Council]**, are best equipped to carry them out;
 (b) undertake the collection of information in connection with road safety and the making available thereof to authorities and the persons concerned and the public generally;
 40 (c) give guidance regarding road safety by means of the organizing of congresses, symposiums, summer schools and study weeks, by means of mass-communication media and in any other manner deemed fit by the **[Council]** Director-General;
 45 (d) consult with authorities and persons concerned in a road safety system in order to **[assist the Minister in the co-ordination and activation of]** co-ordinate and activate the combating of **[road accidents]** traffic collisions;
 (e) **[at the request of the Minister]** enquire into **[and report and make recommendations on]** any matter falling within the objects
 50 of this Act;
 (f) perform **[such]** any other **[tasks falling]** task which falls within the objects of this Act **[as the Minister may impose upon the Council]**;

- (g) aanbevelings by die Minister doen oor die uitvoering van 'n besluit wat die Raad geneem het, maar waaraan daar nie gevolg gegee word of om die een of ander regsrede nie gevolg gegee kan word nie].”.

Vervanging van artikel 7 van Wet 9 van 1972, soos gewysig deur artikel 2 van Wet 46 van 1974 en artikel 4 van Wet 59 van 1981 5

6. Artikel 7 van die Wet op Nasionale Verkeersveiligheid, 1972, word hierby deur die volgende artikel vervang:

“Bevoegdhe van Direkteur-generaal

7. Ten einde [sy doelstelling te bereik en] sy werksaamhede te 10
verrig, kan die [Raad] Direkteur-generaal—
- [(a) 'n bevoegdheid of plig deur of kragtens hierdie Wet aan hom 15
verleen of opgedra, aan 'n beampte of werknemer van die
Departement van Vervoer beoog in artikel 4(1) deleger of oordra:
Met dien verstande dat die Raad nie ontdoen is van 'n bevoegdheid
of plig wat aldus gedelegeer of oorgedra is nie en 'n besluit deur so
'n beampte of werknemer geneem by die uitoefening of verrigting
van 'n bevoegdheid of plig wat aldus gedelegeer of oorgedra is, kan
wysig of intrek]
- (b) roerende of onroerende goed koop of verkoop of op 'n ander 20
wyse verkry of van die hand sit, of huur, verhuur of verhipote-
keer: Met dien verstande dat die koop of verkoop van onroe-
rende goed slegs met die goedkeuring van die Minister verleen
met die instemming van die Minister van Staatsbesteding 25
geskied;
- (c) rekenings by bankinstellings open en, met die goedkeuring van 25
die Minister verleen met die instemming van die Minister van
Staatsbesteding, vir bankoortrekkings reël;
- (d) geld wat nie vir onmiddellike gebruik of as 'n redelike bedryfs- 30
balans nodig is nie, belê by die [Staatskuldkommissarisse] Kor-
porasie vir Openbare Deposito's ingestel by artikel 2 van die Wet
op die Korporasie vir Openbare Deposito's, 1984 (Wet No. 46
van 1984), of op die ander wyse wat die Minister gelas;
- (e) publiseitsmateriaal, met inbegrip van rolprente, vervaardig of 35
verkry vir verspreiding deur homself of iemand anders;
- (f) navorsing in verband met verkeersveiligheid finansier;
- (g) deur middel van die pers- en radiowese en televisie, inligting in
verband met verkeersveiligheid versprei;
- (h) 'n tydskrif ter bevordering van verkeersveiligheid uitgee, en 40
vergoeding betaal vir wat daarin opgeneem word;
- (i) die dienste van reklame-instellings vir die bevordering van
verkeersveiligheid bekom;
- (j) plaaslike owerhede wat nie oor die nodige personeel daarvoor 45
beskik nie, help met die uitleë van terreine vir die opleiding van
leerling-motorvoertuigbestuurders;
- (k) help met die daarstelling van opleidingsgeriewe vir motorvoer-
tuigbestuurders in die gevalle waar dit nie deur die een of ander
owerheid voorsien word nie;
- (l) leiding gee aan verenigings of liggame van persone wat [doel- 50
stellings soortgelyk aan dié van die Raad het] die bevordering van
verkeersveiligheid nastreef;
- (m) kongresse, simposia, somerkursusse en studieweke reël en,
indien nodig, die koste van die voorbereidsels daarvoor betaal,
en persone wat daarby optree, vergoed;
- (n) met die goedkeuring van die Minister enige ander stappe doen 55
wat nodig is om [sy doelstelling] die oogmerk van hierdie Wet te
verwesenlik.”.

- (g) make recommendations to the Minister on the carrying out of a resolution passed by the Council but to which no effect is given or for some legal reason no effect can be given].”.

Substitution of section 7 of Act 9 of 1972, as amended by section 2 of Act 46 of 1974 and section 4 of Act 59 of 1981

6. The following section is hereby substituted for section 7 of the National Road Safety Act, 1972:

“Powers of Director-General

7. In order to [achieve its objects and to] perform [its] his functions the [Council] Director-General may—
- 10 (a) delegate or assign to any officer or employee of the Department of Transport contemplated in section 4(1) any power or duty conferred or imposed upon it by or under this Act: Provided that the Council shall not be divested of any power or duty so
 - 15 delegated or assigned and may amend or withdraw any decision made by such an officer or employee in the exercise or performance of any power or duty so delegated or assigned]
 - (b) purchase or sell, or acquire or dispose of in any other manner, or hire or let or hypothecate any movable or immovable property: Provided that the purchasing and selling of immovable property shall only take place with the approval of the Minister granted with the concurrence of the Minister of State Expenditure;
 - 20 (c) open accounts with banking institutions, and arrange, with the approval of the Minister granted with the concurrence of the Minister of State Expenditure, for bank overdrafts;
 - 25 (d) invest with the [Public Debt Commissioners] Corporation for Public Deposits established by section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984), or in such other manner as the Minister may direct, any moneys not required for immediate use or as a reasonable working balance;
 - 30 (e) produce or acquire publicity material, including films, for dissemination by [itself] himself or any other person;
 - (f) finance research in connection with road safety;
 - 35 (g) disseminate information in connection with road safety by means of the press, the radio and television;
 - (h) publish a periodical to promote road safety and pay rewards for matter inserted therein;
 - (i) obtain the services of advertising institutions for the promotion of road safety;
 - 40 (j) assist local authorities which do not have the necessary staff therefor, in the laying out of grounds for the training of learner motor vehicle drivers;
 - (k) assist in providing training facilities for motor vehicle drivers in cases where such facilities are not provided by some authority;
 - 45 (l) give guidance to associations or bodies of persons [having objects similar to those of the Council] working towards the promotion of road safety;
 - (m) organize congresses, symposiums, summer schools and study weeks and, if necessary, pay the costs of the preparations therefor, and remunerate persons performing thereat;
 - 50 (n) with the approval of the Minister, take any other steps that may be necessary to achieve [its] the object of this Act.”.

Herroeping van artikels 8, 9, 10, 11, 12 en 13 van Wet 9 van 1972

7. Artikels 8, 9, 10, 11, 12 en 13 van die Wet op Nasionale Verkeersveiligheid, 1972, word hierby herroep.

Vervanging van artikel 14 van Wet 9 van 1972

8. Artikel 14 van die Wet op Nasionale Verkeersveiligheid, 1972, word hierby 5
deur die volgende artikel vervang:

“Oorgang van bates, regte, laste en verpligtinge van Nasionale Verkeersveiligheidsraad na Staat

14. (1) Vanaf die [vasgestelde] datum van die inwerkingtreding van 10
artikel 8 van die Algemene Wysigingswet op Vervoer, 1992, word al
die bates, regte, laste en verpligtinge van die [Padveiligheidsraad]
Nasionale Verkeersveiligheidsraad ingestel by artikel 2 van hierdie
Wet, behoudens die bepalings van hierdie Wet en sonder betaling van
hereregte, seëlregte of ander gelde, bates, regte, laste en verpligtinge 15
van die [Raad] Staat, en word elke verwysing in 'n wet of dokument
na [eersgenoemde] die betrokke raad, uitgelê as 'n verwysing na die
[Raad] Staat.

(2) Die oordrag van grond ingevolge subartikel (1) word deur die 20
Registrateur van Aktes bewerkstellig deur middel van die inskry-
wings, aantekeninge of endossemente wat hy nodig ag in of op die
tersaaklike register, titelbewys of ander stuk.”.

Vervanging van artikel 15 van Wet 9 van 1972, soos gewysig deur artikel 6 van Wet 59 van 1981 en artikel 1 van Wet 67 van 1991

9. Artikel 15 van die Wet op Nasionale Verkeersveiligheid, 1972, word hierby 25
deur die volgende artikel vervang:

“Instelling en beheer van Sentrale Verkeersveiligheidsfonds

15. (1) Die [Raad stel 'n] fonds [in] wat kragtens hierdie artikel 30
ingestel is en wat die Sentrale Verkeersveiligheidsfonds heet, bly
voortbestaan en [waarin] daarin word gestort [word]—

- (a) al die geld wat ingevolge artikel 14 'n bate van die [Raad] Staat 30
word en al die geld wat verkry word deur die tegeldemaking van
so 'n bate [van die Raad];
- (b) al die geld wat die [Raad] Fonds uit hoofde van die bepalings van
artikel 25 ontvang;
- (c) geld wat die Parlement vir die doeleindes van [die Raad] hierdie 35
Wet bewillig; en
- (d) enige ander geld wat die [Raad] Fonds uit enige ander bron
toeval.

(2) Die Fonds word bestuur deur die [Raad] Direkteur-generaal, en 40
die geld in die Fonds word, behoudens die bepalings van [subartikels]
(3) en (5) subartikel (3), aangewend ter bestryding van die uitgawes
wat die [Raad] Direkteur-generaal by die verrigting van sy werksaam-
hede en die uitoefening van sy bevoegdhede aangaan.

(3) Die [Raad] Direkteur-generaal gaan geen uitgawes aan nie, 45
behalwe ooreenkomstig 'n raming van uitgawes wat deur die Minister,
met die instemming van die Minister van Staatsbesteding, ingevolge
subartikel (4) goedgekeur is.

(4) Een maal gedurende elke boekjaar (wat eindig op die 50
een-en-dertigste Maart), op die tydstip wat die Minister gelas, moet
die [Raad] Direkteur-generaal aan die Minister, vir sy goedkeuring, 50
verleen met die instemming van die Minister van [Finansies]
Staatsbesteding en van die Minister van Mineraal- en Energiesake [en]
[Openbare Ondernemings] ramings van die inkomste en uitgawes van
die [Raad] Fonds gedurende die volgende boekjaar voorlê, en die 55
[Raad] Direkteur-generaal kan ook gedurende die loop van 'n

Repeal of sections 8, 9, 10, 11, 12 and 13 of Act 9 of 1972

7. Sections 8, 9, 10, 11, 12 and 13 of the National Road Safety Act, 1972, are hereby repealed.

Substitution of section 14 of Act 9 of 1972

5 8. The following section is hereby substituted for section 14 of the National Road Safety Act, 1972:

“Passing of assets, rights, liabilities and obligations from National Road Safety Council to State

10 14. (1) As from the **[fixed]** date of the commencement of section 8 of the Transport General Amendment Act, 1992, all assets, rights, liabilities and obligations of the National Road Safety Council established by section 2 of this Act shall, subject to the provisions of this Act and without payment of transfer duty, stamp duty or other fees, become assets, rights, liabilities and obligations of the **[Council]** State, and any reference in any law or document to the **[first-mentioned]** council concerned shall be construed as a reference to the **[Council]** State.

15 (2) The transfer of land in terms of subsection (1) shall be effected by the Registrar of Deeds by means of the entries, notes and endorsements he deems necessary in or on the relevant register, title deed or other document.”

Substitution of section 15 of Act 9 of 1972, as amended by section 6 of Act 59 of 1981 and section 1 of Act 67 of 1991

25 9. The following section is hereby substituted for section 15 of the National Road Safety Act, 1972:

“Establishment and control of Central Road Safety Fund

30 15. (1) The **[Council shall establish a]** fund **[to be]** established under this section and which is known as the Central Road Safety Fund shall continue to exist and into **[which]** it shall be paid—

- 35 (a) all moneys which in terms of section 14 become an asset of the **[Council]** State, and all moneys derived from the realization of **[any assets of the Council]** such asset;
- (b) all moneys received by the **[Council]** Fund by virtue of the provisions of section 25;
- (c) moneys appropriated by Parliament for the purposes of **[the Council]** this Act;
- (d) all other moneys which may accrue to the **[Council]** Fund from any other source.

40 (2) The Fund shall be administered by the **[Council]** Director-General, and the moneys in the Fund shall, subject to the provisions of **[subsections (3) and (5)]** subsection (3), be utilized to defray the expenses incurred by the **[Council]** Director-General in the performance of **[its]** his functions and the exercise of **[its]** his powers.

45 (3) The **[Council]** Director-General shall not incur any expenses except in accordance with an estimate of expenditure approved by the Minister, with the concurrence of the Minister of State Expenditure, in terms of subsection (4).

50 (4) Once during every financial year (which shall end on the thirty-first of March), at such time as the Minister may direct, the **[Council]** Director-General shall submit to the Minister, for his approval, granted with the concurrence of the Minister of **[Finance]** State Expenditure and of the Minister of Mineral and Energy Affairs **[and Public Enterprises]** estimates of the income and expenditure of the **[Council]** Fund during the ensuing financial year, and the **[Council]** Director-General may also, during the course of a financial

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boekjaar aan die Minister, vir sy goedkeuring, verleen met sodanige instemming aanvullende ramings van uitgawes vir daardie jaar voorlê.

(5) Die vergoeding en toelaes wat aan beamptes en werknemers van die Departement van Vervoer vir die doeleindes van die verrigting van hul werksaamhede ingevolge hierdie Wet betaal word, word op die Fonds verhaal.”

Vervanging van artikel 16 van Wet 9 van 1972

10. Artikel 16 van die Wet op Nasionale Verkeersveiligheid, 1972, word hierby deur die volgende artikel vervang:

“Hou van aantekeninge, opmaak van rekening- en balansstaat, en ouditering

16. (1) Die [Raad] Direkteur-generaal laat behoorlike aantekeninge hou van al die geld [deur hom] ingevolge artikel 15(1) ontvang of ingevolge artikel 15(2) bestee [en van al sy bates en laste] en van al [sy] die finansiële transaksies vir die doeleindes van hierdie Wet aangegaan en van die bates en laste in artikel 14 bedoel, en moet so gou doenlik na die end van elke boekjaar rekeningstate en 'n balansstaat laat opmaak wat, met al die gepaste besonderhede, die geld [deur hom] ingevolge artikel 15(1) ontvang en die uitgawes [deur hom] ingevolge artikel 15(2) aangegaan gedurende, en [sy] die bates en laste bedoel in artikel 14 aan die end van, daardie boekjaar aantoon.

(2) Die aantekeninge, rekeningstate en balansstaat bedoel in subartikel (1) word deur die [Kontroleur en] Ouditeur-generaal geouditeer [en wel teen vergoeding waaroor ooreengekom word of, by ontstentenis van ooreenkoms, wat die Minister van Finansies bepaal].”

Herroeping van artikels 17, 21, 23 en 24 van Wet 9 van 1972

11. Artikels 17, 21, 23 en 24 van die Wet op Nasionale Verkeersveiligheid, 1972, word hierby herroep.

Vervanging van artikel 25 van Wet 9 van 1972, soos vervang deur artikel 2 van Wet 67 van 1991

12. Artikel 25 van die Wet op Nasionale Verkeersveiligheid, 1972, word hierby deur die volgende artikel vervang:

“Betaling aan Fonds

25. Geld wat uit hoofde van die bepalings van artikel 1(2)(a)(ii) van die Wet op die Sentrale Energiefonds, 1977 (Wet No. 38 van 1977), vir die doeleindes van [die Raad] hierdie Wet aangewend moet word, moet maandeliks aan die [Raad] Fonds betaal word [op die tydstippe en] in die bedrae wat die Minister bepaal [op aanbeveling van die Raad en] met die instemming van die Minister van Finansies en van die Minister van Mineraal- en Energiesake [en Openbare Ondernemings].”

Vervanging van artikel 26 van Wet 9 van 1972

13. Artikel 26 van die Wet op Nasionale Verkeersveiligheid, 1972, word hierby deur die volgende artikel vervang:

“Delegering

26. (1) Die Direkteur-generaal kan, onderworpe aan die voorwaardes wat hy nodig ag—

- (a) 'n bevoegdheid ingevolge hierdie Wet aan hom verleen, aan 'n beampte in diens van die Departement van Vervoer delegeer; of
- (b) 'n beampte in diens van die Departement van Vervoer magtig om enige plig ingevolge hierdie Wet aan hom opgedra, te verrig.

year, submit to the Minister, for his approval, granted with such concurrence supplementary estimates of expenditure for that year.

(5) The remuneration and allowances paid to officers and employees of the Department of Transport for the purposes of the performance of their functions in terms of this Act shall be recovered from the Fund.”

Substitution of section 16 of Act 9 of 1972

10. The following section is hereby substituted for section 16 of the National Road Safety Act, 1972:

10 “Keeping of records, preparation of statement of accounts and balance sheet, and audit

15 16. (1) The [Council] Director-General shall cause proper records to be kept of all moneys received in terms of section 15(1) or expended in terms of section 15(2) [by it, and of all its assets and liabilities], and of all [its] the financial transactions entered into for the purposes of this Act and of the assets and liabilities referred to in section 14, and shall as soon as possible after the end of each financial year cause statements of account and a balance sheet to be prepared showing, with all appropriate particulars, the moneys received in terms of section 15(1) and the expenditure incurred in terms of section 15(2) [by it] during, and [its] the assets and liabilities referred to in section 14 at the end of, that financial year.

20 (2) The records, statements of account and balance sheet referred to in subsection (1) shall be audited by the [Controller and] Auditor-General [at such remuneration as may be agreed upon or, in the absence of agreement, as the Minister of Finance may determine].”

Repeal of sections 17, 21, 23 and 24 of Act 9 of 1972

11. Sections 17, 21, 23 and 24 of the National Road Safety Act, 1972, are hereby repealed.

Substitution of section 25 of Act 9 of 1972, as substituted by section 2 of Act 67 of 1991

12. The following section is hereby substituted for section 25 of the National Road Safety Act, 1972:

35 “Payment to Fund

25. Money which shall by virtue of the provisions of section 1(2)(a)(ii) of the Central Energy Fund Act, 1977 (Act No. 38 of 1977), be utilized for the purposes of [the Council] this Act, shall be paid to the [Council] Fund monthly [at such times and] in such amounts as the Minister may determine [on the recommendation of the Council and] with the concurrence of the Minister of Finance and of the Minister of Mineral and Energy Affairs [and Public Enterprises].”

Substitution of section 26 of Act 9 of 1972

13. The following section is hereby substituted for section 26 of the National Road Safety Act, 1972:

“Delegation

26. (1) The Director-General may, subject to such conditions as he may deem necessary—
50 (a) delegate to an officer employed by the Department of Transport any power conferred upon him in terms of this Act; or
(b) authorize an officer employed by the Department of Transport to perform any duty assigned to him in terms of this Act.

(2) Iemand aan wie 'n bevoegdheid aldus gedelegeer is of wat gemagtig is om 'n plig te verrig, oefen daardie bevoegdheid uit en verrig daardie plig onderworpe aan die voorskrifte van die Direkteur-generaal, en die Direkteur-generaal kan te eniger tyd sodanige delegering of magtiging intrek.

(3) 'n Delegering kragtens subartikel (1) verhinder nie die Direkteur-generaal om daardie bevoegdheid of plig self uit te oefen of te verrig nie.”.

Vervanging van artikel 27 van Wet 9 van 1972, soos gewysig deur artikel 10 van Wet 59 van 1981

14. Artikel 27 van die Wet op Nasionale Verkeersveiligheid, 1972, word hierby deur die volgende artikel vervang:

“Regulasies

27. Die Minister kan **[na oorleg met die Raad]** regulasies uitvaardig betreffende—

[(a) die byeenroep en beheer van, en die prosedure en kworum by, vergaderings van die Raad en die Bestuurskomitee]

(b) 'n aangeleentheid wat ingevolge hierdie Wet by regulasie voorgeskryf moet of kan word;

(c) in die algemeen 'n aangeleentheid wat hy nodig of dienstig ag om voor te skryf vir die doeltreffende uitoefening of verrigting deur die **[Raad of die Bestuurskomitee]** Direkteur-generaal van sy bevoegdhede en werksaamhede ingevolge hierdie Wet.”.

Oorgangsbepaling

15. Vanaf die datum van die inwerkingtreding van hierdie artikel hou die lede van die Nasionale Verkeersveiligheidsraad wat by artikel 2 van die Wet op Nasionale Verkeersveiligheid, 1972 (Wet No. 9 van 1972), ingestel is, op om lede van genoemde raad te wees en is hulle nie op die betaling van enige besoldiging of toelaes ingevolge daardie Wet geregtig nie.

Wysiging van artikel 1 van Wet 58 van 1987

16. Artikel 1 van die Wet op die Vervoeradviesraad, 1987, word hierby gewysig deur die omskrywing van “Minister” deur die volgende omskrywing te vervang: “ ‘Minister’ die Minister van **[Vervoerwese]** Vervoer;”.

Vervanging van artikel 3 van Wet 58 van 1987

17. Artikel 3 van die Wet op die Vervoeradviesraad, 1987, word hierby deur die volgende artikel vervang:

“Samestelling van Raad

3. (1) Die Raad bestaan uit hoogstens 21 lede, deur die Minister aangestel—

(a) van wie minstens 14 persone moet wees wat nie in die heeltydse diens van die Staat is nie en wat benoem word deur verenigings wat na die oordeel van die Minister —

(i) betrokke is by die vervoer van persone of goedere oor land;

(ii) betrokke is by die vervoer van persone of goedere oor see;

(iii) betrokke is by die vervoer van persone of goedere deur die lug;

(iv) die georganiseerde landbou verteenwoordig;

(v) die georganiseerde handel en nywerheid verteenwoordig;

(2) Any person to whom any power has been thus delegated or who has been authorized to perform any duty shall exercise that power or perform that duty subject to the directions of the Director-General, and the Director-General may at any time revoke such delegation or authorization.

(3) Any delegation under subsection (1) shall not prevent the Director-General from exercising that power or performing that duty himself."

Substitution of section 27 of Act 9 of 1972, as amended by section 10 of Act 59 of 1981

14. The following section is hereby substituted for section 27 of the National Road Safety Act, 1972:

"Regulations

27. The Minister may **[after consultation with the Council]** make regulations **[as to]** regarding—

[(a) the convening and control of, and the procedure and quorum at, meetings of the Council and the Managing Committee]

(b) any matter which is in terms of this Act required or permitted to be prescribed by regulation;

(c) generally any matter which he considers **[it]** necessary or expedient to prescribe for the effective exercise or performance by the **[Council or the Managing Committee]** Director-General of **[its]** his powers and functions in terms of this Act."

Transitional provision

15 15. From the date of the commencement of this section the members of the National Road Safety Council established by section 2 of the National Road Safety Act, 1972 (Act No. 9 of 1972), shall cease to be members of the said council and shall not be entitled in terms of that Act to the payment of any remuneration or allowances.

30 Amendment of section 1 of Act 58 of 1987

16. Section 1 of the Transport Advisory Council Act, 1987, is hereby amended by the substitution for the definition of "Minister" of the following definition:
" 'Minister' means the Minister of Transport **[Affairs]**;"

Substitution of section 3 of Act 58 of 1987

35 17. The following section is hereby substituted for section 3 of the Transport Advisory Council Act, 1987:

"Constitution of Council

3. (1) The Council shall consist of not more than 21 members, appointed by the Minister —

(a) of whom at least 14 shall be persons who are not in the full-time service of the State and who are nominated by associations which in the opinion of the Minister —

(i) are involved in the transportation of persons or goods on land;

(ii) are involved in the transportation of persons or goods at sea;

(iii) are involved in the transportation of persons or goods in the air;

(iv) represent organized agriculture;

(v) represent organized commerce and industry;

- (vi) die belange van eienaars of bestuurders van motors verteenwoordig;
- (vii) oor besondere kennis of ondervinding van vervoeringe-nieurswese beskik; en
- (viii) werknemers verteenwoordig; 5
- (b) van wie 'n verdere getal van hoogstens sewe persone, persone moet wees wat hy geskik ag om aldus aan te stel.
- (2) Die Minister wys een van die lede bedoel in subartikel (1) as voorsitter en een as ondervoorsitter aan.
- (3) By die toepassing van subartikel (1) — 10
- (a) moet die persone wat deur die Minister aangestel word persone wees wat, na die oordeel van die Minister, op grond van hulle opleiding of ervaring beskik oor besondere kennis met betrekking tot nasionale of internasionale vervoeraangeleenthede, of nywerheids-, handels-, regs-, verbruikers- of finansiële aangeleenthede, of in die leiding van openbare sake; 15
- (b) moet die Minister minstens een persoon uit elk van die kategorieë van belangegroepes vermeld in subartikel (1)(a)(i) tot (viii) aanstel.
- (4) (a) Ten einde die Minister in staat te stel om die aanstellings in subartikel (1)(a) bedoel, te doen, moet die Direkteur-generaal by skriftelike kennisgewing die verenigings bedoel in daardie subartikel versoek om binne 30 dae na die datum van die versoek die name van nie minder nie as drie persone ten opsigte van die aanstellings wat gedoen moet word, skriftelik aan hom voor te lê. 25
- (b) Indien geen of 'n onvoldoende getal name soos vereis ingevolge paragraaf (a) voorgelê word, of die Minister van oordeel is dat die persone benoem ingevolge subartikel (1)(a) nie aan die bepalings van subartikel (3)(a) voldoen nie, kan die Minister, behoudens die bepalings van subartikel (3), enige ander persoon wat hy geskik ag as 'n lid van die Raad aanstel of die betrokke vereniging versoek om ander geskikte persone te benoem.”. 30

Wysiging van artikel 4 van Wet 58 van 1987

18. Artikel 4 van die Wet op die Vervoeradviesraad, 1987, word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang: 35
 - “(1) Die **[voorsitter, die ondervoorsitter en die]** lede in **[paragraaf (k) van]** artikel 3(1) bedoel, met inbegrip van die voorsitter en die ondervoorsitter in artikel 3(2) bedoel, beklee elk hul amp op die voorwaardes en vir die tydperk, maar hoogstens **[vier]** twee jaar, wat die Minister ten tyde van die aanstelling van elk bepaal, maar kan weer aangestel word: Met dien verstande dat die Minister te eniger tyd die lidmaatskap van so 'n lid kan beëindig indien na sy oordeel goeie redes daarvoor bestaan om dit te doen.”;
- (b) deur subartikel (2) te skrap; en
- (c) deur subartikel (3) deur die volgende subartikel te vervang: 45
 - “(3) Elke vakature in die Raad wat ontstaan as gevolg van 'n omstandigheid bedoel in artikel 5(2), of wat veroorsaak word deur die dood van 'n lid, of om watter rede ook al, word, behoudens die bepalings van artikel 3 en **[subartikels (1) en (2)]** subartikel (1) van hierdie artikel, deur die aanstelling deur die Minister van 'n persoon as lid van die Raad gevul, en elke lid wat aldus aangestel word, beklee sy amp vir die tydperk deur die Minister bepaal.”. 50

Wysiging van artikel 5 van Wet 58 van 1987

19. Artikel 5 van die Wet op die Vervoeradviesraad, 1987, word hierby gewysig deur die woord “of” aan die einde van paragraaf (d) van subartikel (1) in te voeg en paragraaf (e) van subartikel (1) te skrap. 55

- (vi) represent the interests of owners or drivers of motor-cars;
- (vii) have special knowledge of or experience in transport engineering; and
- 5 (viii) represent employees;
- (b) of whom a further number of not more than seven persons, shall be persons whom he deems fit to be thus appointed.
- (2) The Minister shall designate one of the members referred to in subsection (1) as chairman and one as vice-chairman.
- 10 (3) For the purpose of subsection (1) —
- (a) the persons appointed by the Minister shall be persons who, in the opinion of the Minister, on account of their training or experience have special knowledge with regard to national or international transport matters, or industrial, commercial, legal,
- 15 consumer or financial matters, or in the conduct of public affairs;
- (b) the Minister shall appoint at least one person from each of the categories of interest groups mentioned in subsection (1)(a)(i) to (viii).
- 20 (4) (a) To enable the Minister to make the appointments contemplated in subsection (1)(a), the Director-General shall by notice in writing, request the associations referred to in that subsection to submit to him in writing within 30 days after the date of the request the names of no fewer than three persons in respect of the appointments required to be made.
- 25 (b) If no or an insufficient number of names are submitted as required in terms of paragraph (a), or if the Minister is of the opinion that the persons nominated in terms of subsection (1)(a) do not comply with the provisions of subsection (3)(a), the Minister may, subject to the provisions of subsection (3), appoint any person whom he deems fit as a member of the Council, or request the association
- 30 concerned to nominate other suitable persons."

Amendment of section 4 of Act 58 of 1987

18. Section 4 of the Transport Advisory Council Act, 1987, is hereby

35 amended—

- (a) by the substitution for subsection (1) of the following subsection:
- 40 “(1) The **[Chairman, the vice-chairman and the]** members referred to in **[paragraph (k) of]** section 3(1), including the chairman and the vice-chairman referred to in section 3(2), shall each hold office under such conditions and for such period, but not exceeding **[four]** two years, as the Minister may determine at the time of the appointment of such member, but shall be eligible for reappointment: Provided that the Minister may at any time terminate the membership of any such member if in his opinion
- 45 there are sound reasons for doing so.”;
- (b) by the deletion of subsection (2); and
- (c) by the substitution for subsection (3) of the following subsection:
- 50 “(3) Every vacancy on the Council arising from a circumstance referred to in section 5(2) or caused by the death of a member, or for any other reason whatsoever, shall, subject to the provisions of section 3 and **[subsections (1) and (2)]** subsection (1) of this section, be filled by the appointment by the Minister of another person as a member of the Council, and every member so appointed shall hold office for such period as the Minister may determine.”.

55 Amendment of section 5 of Act 58 of 1987

19. Section 5 of the Transport Advisory Council Act, 1987, is hereby amended by the insertion of the word “or” at the end of paragraph (d) of subsection (1) and the deletion of paragraph (e) of subsection (1).

Wysiging van artikel 6 van Wet 58 van 1987

20. Artikel 6 van die Wet op die Vervoeradviesraad, 1987, word hierby gewysig—

(a) deur paragraaf (a) van subartikel (4) deur die volgende paragraaf te vervang:

“(a) **[die vasstelling van ’n kworum vir en]** die prosedure op vergaderings van die Raad en die komitees daarvan; en”;

(b) deur die volgende subartikel by te voeg:

“(5) Die voorsitter kan voorskrifte uitreik aangaande die vasstelling van ’n kworum vir vergaderings van die Raad en die komitees daarvan.”.

Wysiging van artikel 7 van Wet 58 van 1987

21. Artikel 7 van die Wet op die Vervoeradviesraad, 1987, word hierby gewysig—

(a) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

“(a) Die bestuurskomitee bestaan uit die voorsitter **[en]**, die ondervoorsitter [van die Raad, en vyf lede van die Raad (waarvan nie minder nie as twee persone moet wees in artikel 3(1)(k) bedoel) wat op aanbeveling van die Raad deur die Minister aangewys is] en die ander lede van die Raad van tyd tot tyd deur die Minister bepaal waarvan minstens twee persone op aanbeveling van die Raad deur die Minister aangewys word.”;

(b) deur die volgende paragraaf na paragraaf (a) van subartikel (2) in te voeg:

“(aA) Die voorsitter van die Raad is ook die voorsitter van die bestuurskomitee en die ondervoorsitter van die Raad is ook die ondervoorsitter van die bestuurskomitee.”;

(c) deur die woorde wat die voorbehoudsbepaling by paragraaf (c) van subartikel (4) voorafgaan deur die volgende woorde te vervang:

“Die beslissing van **[ten minste vyf]** die meerderheid van die lede teenwoordig by ’n vergadering van die bestuurskomitee maak ’n besluit daarvan uit.”.

Wysiging van artikel 8 van Wet 58 van 1987

22. Artikel 8 van die Wet op die Vervoeradviesraad, 1987, word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die Raad kan uit sy lede die persone **[maar nie minder nie as vyf]** wat hy goedvind, aanstel as lede van so ’n komitee.”; en

(b) deur in subartikel (4) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

“So ’n komitee kan met die toestemming van die Raad of van die voorsitter van die Raad enige persoon of persone [met die goedkeuring van die Minister] koöpteer om in die komitee te dien vir ’n tydperk deur die komitee bepaal, of om ’n bepaalde vergadering van die Komitee by te woon.”.

Vervanging van artikel 9 van Wet 58 van 1987, soos gewysig deur artikel 38 van Wet 52 van 1991

23. Artikel 9 van die Wet op die Vervoeradviesraad, 1987, word hierby deur die volgende artikel vervang:

“Besoldiging van lede en gekoöpteerde lede van Raad en komitees

9. ’n Lid of ’n gekoöpteerde lid van die Raad of ’n komitee daarvan (uitgesonderd ’n lid wat in die heeltidse diens van die Staat of die Suid-Afrikaanse Spoorpendelkorporasie Beperk is) ontvang, uit

Amendment of section 6 of Act 58 of 1987

20. Section 6 of the Transport Advisory Council Act, 1987, is hereby amended—

5 (a) by the substitution for paragraph (a) of subsection (4) of the following paragraph:

“(a) **[the determination of a quorum for and]** the procedure at meetings of the Council and the committees thereof; and”;

10 (b) by the addition of the following subsection:

“(5) The chairman may issue directives with regard to the determination of a quorum for meetings of the Council and the committees thereof.”.

Amendment of section 7 of Act 58 of 1987

15 21. Section 7 of the Transport Advisory Council Act, 1987, is hereby amended—

(a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

20 “(a) The management committee shall consist of the chairman **[and], the vice-chairman [of the Council, and five members of the Council (of whom no fewer than two shall be persons referred to in section 3(1)(k)) designated by the Minister on the recommendation of the Council]** and such other members of the Council as the Minister may from time to time determine of whom at least two persons shall be designated by the Minister on the recommendation of the Council.”;

25 (b) by the insertion after paragraph (a) of subsection (2) of the following paragraph:

30 “(aA) The chairman of the Council shall also be the chairman of the management committee and the vice-chairman of the Council shall also be the vice-chairman of the management committee.”;

(c) by the substitution for the words preceding the proviso to paragraph (c) of subsection (4) of the following words:

35 “The decision of **[not fewer than five]** the majority of the members present at a meeting of the management committee shall constitute a decision thereof.”.

Amendment of section 8 of Act 58 of 1987

22. Section 8 of the Transport Advisory Council Act, 1987, is hereby amended—

40 (a) by the substitution for subsection (2) of the following subsection:

“(2) The Council may from among its members appoint such persons **[but not fewer than five]** as members of any such committee as it may deem fit.”; and

45 (b) by the substitution in subsection (4) for the words preceding the proviso of the following words:

50 “Any such committee may with the consent of the Council or of the chairman of the Council co-opt any person or persons **[with the approval of the Minister]** to serve on the committee for a period determined by the committee, or to attend a particular meeting of the committee.”.

Substitution of section 9 of Act 58 of 1987, as amended by section 38 of Act 52 of 1991

23. The following section is hereby substituted for section 9 of the Transport Advisory Council Act, 1987:

55 **“Remuneration of members and co-opted members of Council and committees**

9. A member or a co-opted member of the Council or a committee thereof (other than a member who is in the full-time service of the

gelde wat die Parlement vir dié doel bewillig, die besoldiging en toelaes ten opsigte van sy dienste as 'n lid van die Raad of komitee daarvan wat die Minister met die instemming van die Minister van **[Finansies]** Staatsbesteding bepaal.”.

Herroeping van artikel 13 van Wet 58 van 1987

5

24. Artikel 13 van die Wet op die Vervoeradviesraad, 1987, word hierby herroep.

Oorgangsbepaling

25. Die lede van die Vervoeradviesraad wat voor die datum van die inwerkingtreding van hierdie artikel, kragtens artikel 3 van die Wet op die Vervoeradviesraad, 1987 (Wet No. 58 van 1987), aangestel is, hou vanaf daardie datum op om lede van genoemde Raad te wees en is nie op die betaling van enige besoldiging of toelaes ingevolge daardie Wet geregtig nie tensy die betrokke persoon opnuut deur die Minister kragtens daardie artikel as 'n lid van genoemde Raad aangestel word.

15

Kort titel en inwerkingtreding

26. (1) Hierdie Wet heet die Algemene Wysigingswet op Vervoer, 1992, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van verskillende bepalinge van hierdie Wet bepaal word.

20

TRANSPORT GENERAL AMENDMENT ACT, 1992

Act No. 86, 1992

5 State or the South African Rail Commuter Corporation Limited) shall be paid, out of moneys appropriated by Parliament for the purpose, such remuneration and allowances in respect of his service as a member of the Council or committee thereof as the Minister with the concurrence of the Minister of **[Finance]** State Expenditure may determine.”

Repeal of section 13 of Act 58 of 1987

24. Section 13 of the Transport Advisory Council Act, 1987, is hereby repealed.

10 Transitional provision

25. The members of the Transport Advisory Council appointed under section 3 of the Transport Advisory Council Act, 1987 (Act No. 58 of 1987), before the date of the commencement of this section, shall cease to be members of the said Council as from that date and shall not be entitled to the payment of any
15 remuneration or allowances in terms of that Act unless the person concerned is again appointed under that section by the Minister as a member of the said Council.

Short title and commencement

26. (1) This Act shall be called the Transport General Amendment Act, 1992,
20 and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.

