

NEWCASTLE LOCAL MUNICIPALITY



BY-LAWS

TO REGULATE FARE-BEARING PASSENGER MOTOR VEHICLES

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FARE-BEARING PASSENGER MOTOR VEHICLE BY-LAW

ENABLING PROVISIONS

The Newcastle Municipality acting in terms of Section 156(2) of the Constitution of the Republic of South Africa Act 1996 (Act 108 of 1996), read with Section 13 of the Local Government: Municipal Systems Act (Act 32 of 2000) and Section 80A of the National Traffic Act, 1996 (Act no. 93 of 1996) hereby publishes the by-laws as set forth hereafter as by-laws made by the Municipality which by-law will come into effect on the first day of the month following the date of publication hereof.

PURPOSE

To provide for the effective administration of establishment, maintenance and management of Municipal Taxi and Bus Ranks, their operation within Newcastle Local Municipality; and matters connected therewith.

COMMENCEMENT

These By-laws shall come into operation on the date of publication thereof in the Provincial Gazette.

BE IT ENACTED by the Newcastle Local Municipality, as follows:-

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PART I
DEFINITIONS

1. **Definitions** - For the purpose of these By-laws any word or expression to which a meaning has been assigned in the Act or the Consolidated Road Traffic Regulations promulgated under the Act has that meaning and unless the context indicates otherwise –
- 1.1 **“Act”** means the National Road Traffic Act, Act No 93 of 1996 as amended and the National Land Traffic Act no. 5 of 2009;
- 1.2 **“Access Control Point”** – shall mean an entrance and egress point controlled either manually or automatically, which includes boom-gates for the purposes of controlling access to and from a rank;
- 1.3 **“Authorized officer”** – shall mean:
- (a) a member of the South African Police Service (SAPS) appointed in terms of section 1 of the South African Police Service Act (Act 68 of 1995, as amended);
 - (b) a municipal traffic officer, or a Municipal staff, or person appointed by the Municipality to carry out enforcement of these bylaws;
 - (c) peace officer as contemplated in section 334 of the Criminal Procedure Act (Act No. 51 of 1997, as amended);
 - (d) traffic officer contemplated in section 3 of the Act;
 - (e) an inspector of licences, examiner of vehicles, examiner for driver's licences, metro police officer, traffic warden or a traffic officer, and includes any other person whom the Minister may from time to time by regulation declare to be an authorised officer;
- 1.4 **“Authorized vehicle”** – shall mean any motor vehicle identified by means of a number plate; or authorized symbol, including a municipal vehicle, or name of the motor vehicle provided that such motor vehicle shall have an authorized disc issued in terms of these by-laws affixed to the inside of the windscreen of the motor vehicle or as contemplated;
- 1.5 **“Breakdown vehicle”** – shall mean a motor vehicle designed or adapted solely for the purposes of recovery or salvaging motor vehicles and which is registered as a breakdown vehicle;

- 1.6 **"Bus"** – shall have the same meaning as defined the Act;
- 1.7 **"Bus facility"** – shall mean a stand or demarcated stopping place where passengers may get on and/or get off a bus for which a permit has been issued;
- 1.8 **"Bus train"** – shall mean a bus which -
- (i) consists of two sections that connect to form a unit;
 - (ii) can swivel in a horizontal plane at the connections between such sections;
 - (iii) is designed or adapted solely or principally for the conveyance of the driver and at least 100 other persons; and
 - (iv) has a continuous passageway over its length;
- 1.9 **"By-law"** – shall mean a by-law promulgated in terms of section 80A of the Act read together with sections 12 and 13 of the Local Government Municipal Systems Act 2000 (32 of 2000);
- 1.10 **"Commuters"** – shall mean fare bearing patrons;
- 1.11 **"Decal"** – shall mean a colour-coded sticker or other means of identification issued by the Municipality to the holder of an operating licence;
- 1.12 **"Demarcated stand or stop"** – shall mean the stand or stopping place for a bus as contemplated in sections 41 and 44;
- 1.13 **"Driver"** – shall mean any person who drives or attempts to drive any vehicle or who rides or attempts to ride any pedal cycle or who leads any draught, pack or saddle animal or herd or flock of animals, and "drive" or any like word has a corresponding meaning;
- 1.14 **"Examiner of vehicles"** – shall mean an examiner of vehicles registered and appointed in terms of Chapter I of the Act;
- 1.15 **"Facility"** - shall mean a facility as contemplated in section 14;
- 1.16 **"Fees"** – shall mean the fees contemplated in Schedule 1 of these By-laws;
- 1.17 **"Holding Area"**, in relation to a taxi, shall mean a place, other than a rank, where a taxi remains until space for it is available at a rank or stopping place;
- 1.18 **"Municipal Taxi Forum"** – shall mean a committee established by the Council consisting of officials, representatives of the taxi industry and other persons;

- 1.19 **"Marshal"** – shall mean a person who arranges passenger and vehicle-related procedures at taxi facilities;
- 1.20 **"Metered Taxi"** – shall have the same meaning as defined in the Act;
- 1.21 **"Municipal Officer"** – shall mean an officer as defined in section 64G of the South African Police Service Act, 1995 (Act 68 of 1995);
- 1.22 **"Midi-bus"** - shall have the same meaning as defined in the Act;
- 1.23 **"Mini-bus"** – shall have the same meaning as defined in the Act;
- 1.24 **"Mini-bus / Midi-bus service"** – shall have the same meaning as defined in the Act;
- 1.25 **"Minister"** - means the Minister of Transport, or any other person authorised by him or her to exercise any power or perform any duty or function which such Minister is empowered or obliged to exercise or perform in terms of this Act;
- 1.26 **"Motor Car"** – shall have the same meaning as defined in the Act;
- 1.27 **"Motor vehicle"** - as defined in the Act;
- 1.28 **"Municipality"** – shall mean the Newcastle Local Municipality;
- 1.29 **"Municipal Agent"** – shall mean a natural or juristic person, appointed and authorized by the Municipality to perform delegated tasks on behalf of the Municipality;
- 1.30 **"Municipal Manager"** – shall mean the accounting officer, including a person acting in such capacity, in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
- 1.31 **"Municipal Bus Rank"** – shall mean an area demarcated to be used by buses displaying rank permit discs to park and load and/or off-load passengers and shall include the waiting area of such rank;
- 1.32 **"Municipal Taxi Rank"** - shall mean an area demarcated to be used by mini-buses and midi-buses displaying rank permit discs to park and load and/or off load passengers and shall include the waiting area of such taxi rank;
- 1.33 **"Operate on a public road"** or any like expression, in relation to a vehicle, shall mean to use or drive a vehicle or to permit a vehicle to be used or driven on a public road, or to have or to permit a vehicle to be on a public road;
- 1.34 **"Operator"** – shall mean a public transport operator as defined in the Act, being a person carrying on the business of a public passenger road transport service;

- 1.35 **"Park"** – shall mean to keep a motor vehicle, whether occupied or not, stationary for longer than is reasonably necessary to actually load or unload people or goods, but does not include keeping a vehicle stationary owing to a cause beyond the control of the person in charge of the vehicle;
- 1.36 **"Commuter-carrying motor vehicle"** – shall mean a taxi or a bus used or designed to convey passengers for reward;
- 1.37 **"Permit"** – shall mean a written authorization issued in terms of these by-laws to any taxi mini-bus, midibus and taxi-cab;
- 1.38 **"Permit holder"** – shall mean the holder of a permit contemplated in Parts II and VI of these By-laws;
- 1.39 **"Prescribed fee"** – shall mean Councils Tariff of Charges in South African currency, as contained in Schedule 1;
- 1.40 **"Pound"** – shall mean a place declared as a pound where impounded vehicles are stored;
- 1.41 **"Public Road"** – shall mean a road or street or thoroughfare or any other place which is commonly used by the public or any section thereof within the municipal boundaries which the public or any section thereof has a right of access and includes the verge of any such road, street or thoroughfare;
- 1.42 **"Regulation"** – shall mean a regulation under the Act;
- 1.43 **"Route"** – shall mean the route or part of the route specified in the licence issued for a bus or taxi in terms of the National Land Traffic Act 5 of 2009, alternatively "route" means a route as stipulated in the Integrated Transport Plan of the Municipality and on which operators may provide a public transport service for reward;
- 1.44 **"Scheduled service"** – shall mean a public transport service operated by road on a particular route(s) in accordance with a time table;
- 1.45 **"Special parking place"** – shall mean a rank or stand established by the Municipality on a public road within the municipality for the parking or standing of passenger-carrying motor vehicles;
- 1.46 **"Bus Stand"**, in relation to a bus, shall mean the place where a bus route starts or ends;
- 1.47 **"Stop"**, in relation to a taxi or bus stopping on a public road, shall mean to keep a taxi or bus, whether occupied or not, stationary for a period of time not longer than is reasonably necessary to actually load or unload people or goods, but does not include stopping owing to a cause beyond the control of the driver of the taxi or bus;

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- 1.48 **"Stopping place "**, in relation to -
- a taxi, shall mean the place designated by the Municipality where a taxi may stop to pick up and/or drop off passengers; and
- (ii) a bus, shall mean a demarcated stop where a bus may stop to pick up and/or drop off passengers;
- 1.50 **"Taxi"** – shall mean a motor vehicle which plies for hire, is operated for reward and for the purpose of this by-law includes:
- (i) a mini-bus, a midi-bus, motor tricycle/ tuk-tuk or motor quadrucycle;
- (ii) a metered taxi; and
- (iii) amaphela.
- 1.51 **"Taxi Association"** – shall mean a taxi association recognised by the Municipality in terms of guidelines prescribed by the Province for registering taxi associations;
- 1.52 **"Taxi facility"** – shall mean a holding area, a special parking place or a stopping place for taxis for which a permit has been issued as contemplated in section 3;
- 1.53 **"Taxi rank"**, in relation to a taxi, shall mean a place on a public road where a taxi may stand to ply for hire or to pick up and convey them for reward;
- 1.54 **"Temporary taxi facility"** – shall mean a taxi facility contemplated in section 15(2);
- 1.55 **"Tuk-tuk"** - shall have same meaning as defined in the Act.

PART II

SPECIAL PARKING PLACES FOR TAXIS: PERMITS AND DECALS

2. **Establishment of and permits for special parking places for taxis** – (1) The Municipality may establish special parking places in the municipality for use by or the parking of a taxi belonging to a person to whom a permit to use the parking place or park a taxi has been issued by the Municipality as provided for in section 4.

(2) A permit may be issued allocating particular special parking places or subdivisions of special parking places to particular people or motor vehicles for their exclusive use.

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(3) No person or motor vehicle other than the people or motor vehicles referred to in subsection (2) may, except by virtue of a permit, use or be parked at the special parking place or its subdivision.

(4) If no space is available in a special parking place at any particular time for the parking of a taxi by a permit holder or for a taxi to which the permit relates, the taxi must be parked at a holding area specified by a duly appointed marshal operating at the special parking place as contemplated in section 18 until the marshal or any other duly appointed marshal summons and permits the person to park the taxi at the special parking place.

3. **Application for a taxi permit** – (1) An application for the granting of a permit referred to in section 2 must be lodged with the Municipality on the prescribed form and must be accompanied by the prescribed fee.

(2) The applicant must answer all questions in the application form and in all other respects fully comply with all the requirements of the form.

4. **Issuing a taxi permit** – (1) Where an application for a permit is granted, the permit shall be issued in a form corresponding to that in Schedule 2 of these By-laws, provided that the appropriate fee has been paid.

(2) No permit shall be issued until the applicant provides the Municipality with the following:

(a) A roadworthy certificate for the motor vehicle concerned as required by Regulation 142 of the Consolidated Road Traffic Regulations, which must have been obtained from an approved testing station.

(b) Proof of registration and licensing of the motor vehicle concerned as prescribed under section 13 (2A) (c) of the Act.

(c) A valid operating licence issued in terms of the National Land Transport Act, 5 of 2009.

(d) Where applicable, proof that a taximeter has been fitted to the motor vehicle concerned as contemplated in sections 24 and 27.

(3) Even if the applicant has a valid operating licence, the Municipality is not obliged to issue a permit in terms of these By-laws

5. **Renewing a taxi permit** – (1) A permit shall be valid for one year from the date of issue and must be renewed annually.

(2) An application for the renewal of a permit must be made at least a month before the permit expires.

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(3) After an applicant applying to renew a permit has submitted a duly completed application form to the Municipality, together with the documents referred to in section 4(2) in respect of the motor vehicle, the permit will be renewed on payment of the prescribed fee and subject to the good conduct of the applicant.

6. **Late renewal applications** – (1) A penalty fee will be levied for late applications in terms of the tariff of charges in Schedule 1 of these by-laws.

7. **Substitution of a taxi permit** – (1) A taxi permit issued in terms of these By-laws for a motor vehicle does not authorise the permit holder to use any other motor vehicle as a taxi under that permit.

8. **Transfer of a taxi rank permit** – (1) Taxi rank permits are not transferrable.

9. **Issue, display and duplication of decals** – (1) A decal is issued with every permit, containing the particulars of the permit in accordance with Schedule 2 of these By-laws, and must immediately be affixed to the taxi concerned as contemplated in subsection (2).

(2) On obtaining a decal or decals in terms of subsection (1), the permit holder must immediately -

(a) where the taxi concerned is fitted with a clear windscreen, affix the decal or decals in a conspicuous place on the left-hand of the vehicle in an upright position with the printed side facing to the front in such a way that the particulars on the decal or decals are clearly legible to any person standing on the left front of the taxi; and

(b) where the taxi is not fitted with a glass windscreen, display the decal or decals in a watertight holder in a conspicuous place on the left-hand front outside of the windscreen in such a way that the particulars on the decal or decals are clearly legible to any person standing on the left front side of the taxi:

Provided that the permit holder ensures that the decal or decals are kept displayed at all times as contemplated in this subsection.

(4) No person may operate a taxi on which a decal is in any way concealed or obscured or has become illegible, unless such concealment, obscurement or illegibility is temporary owing to a cause beyond the control of the driver of the taxi.

(5) (a) If a permit holder satisfies the Municipality by affidavit that the permit or any decal has been lost or destroyed, or if the permit holder produces a permit or decal that has been damaged to the extent that the letters and figures on it are no longer clearly legible, the Municipality will, after the permit holder has

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applied for a duplicate permit or decal on a form corresponding to Schedule 2 of these By-laws and has paid the amount prescribed in Schedule 1 of these By-laws, issue him or her with a duplicate that is clearly endorsed "DUPLICATE"; and

(b) the permit holder must immediately affix the duplicate decal to the vehicle concerned in accordance with subsection (3).

(6) (a) If a taxi is being operated without a decal, it is presumed that the permit holder does not have a valid permit until he or she proves to an authorised officer that he or she does have such a permit or has applied for a duplicate decal.

(b) (i) No unauthorised person shall produce or duplicate a permit or decal;

(ii) No person shall affix an unauthorised decal onto a vehicle.

10. **Payment of permit fees** – (1) The payment of any amount in terms of these By-laws does not absolve a person from criminal liability arising from his or her failure to obtain a permit nor does the conviction of a person for an offence under these by-laws relieve him or her of the liability to pay the prescribed fees in terms of these By-laws.

(2) All permit fees and moneys must be paid at the relevant municipal office as determined by the Municipality from time to time.

11. **Amendment of particulars of the taxi permit** – (1) If the information contained in a permit or decal is incorrect, the Municipality may, notwithstanding anything to the contrary in these By-laws, notify the permit holder concerned and require him or her to give a satisfactory explanation and forthwith return the permit or decal for amendment.

(2) If it comes to the notice of the permit holder that the particulars on a permit or decal are incorrect because they have changed or are incorrect for any other reason, the permit holder must submit the permit or decal to the Municipality for amendment: Provided that a permit holder may not, subject to subsection (3), substitute a different motor vehicle for the motor vehicle to which the permit relates.

(3) When a permit or decal is surrendered for it to be amended in term of this section, the Municipality provides the permit holder with a temporary permit or decal, which is valid until the amended permit or decal is returned to the permit holder.

12. **Uncleared Payments** - All payments must be cleared before a permit will be issued.

PART III
TAXI FACILITIES

13. **Taxi associations** - Taxi associations recognised by the Municipality in terms of guidelines laid down by the Province may become members of the local body established by the Municipality to make recommendations to it on matters relevant to the taxi industry in general.

14. **Classes of taxi facilities** - The Municipality may designate any taxi facility in the municipality as -

- (a) a special parking place, ie a taxi rank or a stand;
- (b) a taxi stopping place; or
- (c) a taxi holding area.

15. **Taxi parking** – (1) A driver may, subject to subsection (2) -

- (a) park a taxi at a special parking place or holding area only; or
- (b) ply for hire, or pick up or drop off passengers only at a special parking place or a taxi stopping place if a facility is provided.

(2) In emergencies or at recreational and other similar functions, the Municipality may set aside temporary taxi facilities identified by the Chief Traffic Officer as suitable for the parking and stopping of taxis.

16. **Use of taxi ranks** – (1) A driver -

(a) may, subject to subsection (3), park a taxi at the taxi rank specified on the permit concerned, if space is available; and

(b) must, if no space is available, remove and park the taxi at a holding area in accordance with the provisions of section 14.

(2) The driver must, when plying for hire at a taxi rank, do so in a queue and position his or her taxi determined by an operating agreement recognized by Provincial Regulatory Entity;

(3) When plying for hire at a taxi rank, a driver – (a) of any taxi which occupies the first, second or third position from the front of any of a queue at a rank shall be in close and constant attendance of his/her taxi so long as it remains in such a position;

(b) may not position his or her taxi ahead of any taxi in the queue that arrived and took up a position in the front of the queue before he or she did; and

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(4) No person may park or stop a taxi which is not in good working order as required by the Act or the regulations made under the Act, in a taxi rank, or cause or permit the taxi to remain in a rank.

(5) No person may park or stop any vehicle in a taxi rank except a taxi for which a permit and decal, specifying the rank, have been issued for the year in question, as contemplated in Part II of these By-laws.

17. **Prohibition on parking a taxi at a stopping place** – (1) No taxi driver may park a taxi at a no stopping place.

18. **Regulation and control of taxi facilities** – (1) Subject to subsections (2), (3) and (4), a recognised taxi association may appoint marshals at taxi facilities to perform the duties set out in subsections (4) and (5): Provided that, if a taxi facility or a portion of it has been allocated exclusively to a particular taxi association, only that association may appoint marshals in respect of that particular taxi facility or portion of it.

(2) In the case of a dispute about which taxi association is entitled to appoint a marshal or marshals at a particular taxi facility, the municipal taxi forum must decide on the issue, and its decision is final.

(3) (a) No person may act as a marshal at a taxi facility unless the taxi association concerned has appointed him or her in writing; and

(b) Such marshal referred to in (a) above shall at all times have an identification tag and bib as determined by the taxi forum.

(4) The duties of a marshal regarding passengers are -

(a) to regulate the queuing of passengers according to the appropriate priority and route destination systems;

(b) to ensure the orderly loading of passengers into appropriate vehicles;

(c) to control the appropriate number of passengers per vehicle to prevent overloading and to ensure a higher level of service to passengers and equal opportunities for drivers;

(d) to direct passengers and to provide information about the activities of the taxis operating at that facility or other taxi facilities; and

- (e) to inform drivers about expected passenger demand and any other related matters.
- (5) The duties of a marshal regarding taxis are -
- (a) to control the arrival of taxis at taxi facilities and specifically at loading areas in accordance with the provisions of sections 2(4) and 16;
 - (b) to allow only permit holders in respect of taxi facilities in and out of the facilities;
 - (c) to coordinate the movement of taxis between loading and holding areas;
 - (d) to control taxi departures according to loading patterns; and
 - (e) to direct taxis to a holding area and to redirect them to a rank.
- (6) The Municipality may, after consultation with the municipal taxi forum, lay down a code of conduct for marshals at taxi facilities and amend the code from time to time.
19. **Servicing and washing taxis at taxi facilities** –(1) No person may repair or maintain any motor vehicle in any way whatsoever at a taxi facility.
- (2) No person may wash any motor vehicle at a taxi facility, except at a wash bay at the facility that has been specially constructed for this purpose.

PART IV GENERAL USE AND OPERATION OF TAXIS

20. **Preventing engagement of a taxi** – (1) No person may, subject to the provisions of section 18, by using force, intimidation, threats or by any other means, prevent or try to prevent any person from obtaining or engaging a taxi or prevent the driver of the taxi from taking on passengers.
21. **Conveying dangerous or offensive articles in taxis** – (1) A person who is in charge of any person or thing may not knowingly convey that other person or thing or allow that other person or thing to be conveyed in a taxi, whether or not the taxi has been engaged, if that other person or thing –
- (a) is not permitted to be conveyed in terms of an exiting law; or
 - (b) has obviously been exposed to or contaminated by an infectious or contagious disease as contemplated in the Act or the regulations made under the Act.

(2) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence and may be fined or imprisoned.

22. **Disinfecting a taxi after conveying passengers with infectious or contagious diseases** – (1) The owner, driver or other person in charge of a taxi must take immediate steps to have the taxi disinfected as soon as it has come to his or her knowledge that the following has been conveyed in the taxi:

(a) A passenger suffering from an obvious infectious or contagious disease;

(b) the body of a person who has died of an obvious infectious or contagious disease; or

(c) anything that has been exposed to or contaminated with the infection of an obvious infectious or contagious disease:

Provided that the owner, driver or other person in charge of the taxi may not convey any passengers in the taxi until the taxi has been disinfected.

(2) The owner, driver or other person in charge of a taxi must notify and carry out all instructions of the General Manager: Health Services with regard to the disinfection of a taxi referred to in subsection (1).

PART V METERED TAXIS

23. **Taximeters** – (1) No motor vehicle contemplated in paragraph (ii) of the definition of "taxi" shall be issued with a permit for a metered taxi unless and until a taximeter has been fitted to the vehicle, and no taximeter may be used until it has been tested and sealed by an examiner of vehicles approved or appointed by the Municipality or the Province.

(2) No person may operate a metered taxi or allow one to be operated unless it is fitted with a tested and sealed taximeter that is in working order.

(3) No person may seal a taximeter unless it registers a fare in accordance with the prescribed tariff.

(4) The use of a separate indicator to indicate to the passenger the charge for extras is permitted on condition that this indicator is part of the taximeter.

24. **Metered fares** – (1) The fares to be charged in respect of metered taxis must be in accordance with the prescribed tariff.

(3) No driver of a metered taxi may charge, demand or attempt to obtain from a passenger a fare lower or higher than the prescribed fare.

25. **Tariffs to be displayed on taxis** - The driver of a metered taxi must affix a sign on the left front door of the taxi so that the tariffs are plainly visible to the passenger, and this sign must show in legible characters -

- (a) the appropriate tariff of fares as prescribed;
- (b) the number of passengers the metered taxi is permitted to carry;
- (c) the registration number of the metered taxi; and
- (d) the relevant portion of the permit (decals) reference number.

26. **Position of meter** – (1) The taximeter must be fitted on the inside of the taxi in such a position that the recorded fare is plainly visible at all times by a passenger occupying the rear seat, and the taximeter must be illuminated after dark.

27. **Operation of meter** – (1) Except as provided for in sections 28 and 29, the taximeter must be operated electronically or mechanically either solely from the gearbox or left front wheel of the taxi or from another portion of the mechanism of the taxi that the Municipality may approve.

(2) The driver of a metered taxi must ensure that the taximeter correctly indicates to the passenger the fare that may be charged by the driver in accordance with the prescribed tariff.

28. **Meter indicators** – (1) The permit holder must ensure that the following requirements are met:

(b) Every taximeter must have an indicator which is incorporated in the taximeter or attached to it and which has the words "For hire" on it when the taxi is available for hire, and this indicator may be hand-operated.

(c) The indicator of a taximeter must be constructed to operate the taximeter as follows:

- (i) "Pay" or "For hire" position, denoting that the taximeter is not in operation.
- (ii) "Hired" or recording position, denoting the recording by the taximeter of the fare by a combination of time and distance.

(iii) "Time not recording" position or light, denoting that the clock mechanism is not recording.

29. **Starting the meter** – (1) The driver of a metered taxi must -

(a) on arrival at the passenger's departure point, and not sooner, start the taximeter in the "Hired" position and, on termination of the hiring, immediately stop the taximeter from recording; or

(b) stop the taximeter from recording for the duration of a stoppage if the stoppage is not caused by traffic congestion or by the action of the passenger or at the request of the passenger.

30. **Taxi called but not engaged** – (1) A person who calls for or summons a metered taxi and who, on its arrival, fails to engage it, must pay the fare at the prescribed tariff for the distance from the stand, rank or place from which the metered taxi had been dispatched to the place to which the person had summoned the metered taxi.

(2) If a metered taxi is kept waiting through no fault of the driver before the driver is told that the taxi's services are not required, the person who called for or summoned the taxi must, in addition to the normal fare, pay the driver waiting time at the prescribed tariff.

31. **Meter seals to be kept intact** – (1) All seals affixed to a taximeter by an examiner of vehicles or an approved organisation must at all times be kept intact and undamaged by the permit holder.

(2) If the seal or seals of a taximeter are accidentally broken or defaced, the driver of the taxi must immediately, before the taxi is used as a passenger-carrying vehicle, apply to the Executive Head: Metro Police or an organisation approved by the Municipality to replace or renew the seal or seals.

32. **Meter tolerances** – (1) The tolerance to be allowed on all taximeters when tested is as follows:

(a) Road test: No tolerance in deficiency or over-registration is allowed:

Provided that if the vehicle's tyres are obviously worn, a tolerance in deficiency (or over-registration) of ten metres per kilometre and a tolerance in excess (or under-registration) of 50 metres per kilometre are allowed.

(b) Time test: A tolerance in deficiency (or over-registration) of one second per minute and a tolerance in excess (or under-registration) of two seconds per minute are allowed.

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33. **Interference with meter prohibited – (1)**

(a) No person may, so as to cause the taximeter to register anything other than the true fare chargeable by the driver in accordance with the prescribed tariffs -

(i) destroy, break or tamper with the seal affixed to a taximeter by the examiner of vehicles or by an organisation approved by the Municipality ; and

(ii) adjust or interfere or tamper with a taximeter or a connection of a taximeter, or any tyre or fitting of a taxi; and

(b) no driver or owner of a taxi may allow the taxi to be used as a passenger-carrying vehicle if -

(i) the taximeter affixed to it does not register the true fare; or

(ii) the tyres affixed to the taxi are not the same size as those which were on the vehicle when the taximeter was tested and sealed.

(2) (a) Every metered taxi must be fitted with a speedometer and an odometer in good and proper working order, and the odometer must, subject to the provisions of subsection (1), reflect the true distance travelled; and

(b) no owner or driver of a metered taxi may operate or allow the taxi to be operated unless the speedometer fitted to it, as contemplated in paragraph (a), works properly.

34. **Meters liable to be tested at any time – (1)** An authorised officer may by written notice instruct the permit holder or driver of a metered taxi to present the taxi concerned to an examiner of vehicles for examination and testing of the taximeter at a time and place specified in the notice.

35. **Charge for testing meters – (1)** For every taximeter tested in terms of section 34 by the Municipality, the prescribed fees must be paid to the Municipality.

36. **Meters may be condemned – (1)** If a taximeter affixed to a metered taxi is found not to be in order and not working satisfactorily, an examiner of vehicles may condemn the taximeter and remove the seal or mark placed on it in terms of these By-laws.

(2) No person may use a condemned taximeter in a taxi until the taximeter has been retested, approved and sealed by an examiner of vehicles.

37. **Taxi signs for metered taxis** – (1) A metered taxi that requires a permit in terms of these By-laws to operate within the municipality must be fitted with an illuminated roof sign in accordance with the requirements prescribed in Annexure A of these By-laws.

(2) This sign must be properly maintained at all relevant times.

PART VI

BUS FACILITIES AND PERMITS, AND THE OPERATION OF BUSES

38 **Establishment of bus facilities** – (1) The provisions of section 2(1), (2) and (3) of Part II apply *mutatis mutandis* (with the necessary changes) to buses.

39. **Application and issue of bus permits, fees, and display of decals** – (1) The provisions of sections 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of Part II apply *mutatis mutandis* (with the necessary changes) to buses.

(2) Except for the buses provided for in subsection (3), a bus may not use a public transport facility within the municipal area of Tshwane unless the bus displays the necessary decal.

(3) A bus operator who transports passengers for reward and who owns more than 20 buses, but who uses fewer than 20 buses within the municipality for transporting passengers, must pay the permit fees due to the Municipality in terms of section 40(1) for his or her buses according to the following formula:

(a) The bus operator's maximum number of buses which on any day of the year is used for the above purpose, train buses excluded (for which individual permits and decals need to be obtained), multiplied by the permit fee payable per bus as prescribed in section 40(1): Provided that -

(i) the permit fees for the number of buses referred to in the formula above are determined according to that bus of the operator which is certified to carry the largest number of passengers and which is normally used within the municipality, and the permit issued for these permit fees is not linked to any specific bus; and

(ii) the bus operator provides an audited certificate of the number of buses referred to in the formula above, together with his or her application to the Executive Head: Metro Police, and each year after that, provides this, together with any other documents that the Executive Head: Metro Police may reasonably demand.

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40. **General use and operation of buses** – (1) The provisions of Part IV apply *mutatis mutandis* (with the necessary changes) to buses.

41. **Demarcated stops and stands for buses** – (1) The Municipality may from time to time set aside and demarcate stopping places and stands for buses.

(2) Each stopping place or stand must be distinguished by the appropriate traffic sign to indicate the type of bus or, where applicable, the name of the concern entitled to use the stopping place or stand.

42. **Getting on a bus** – (1) If a bus operating on a bus route for the purpose of conveying passengers is carrying less than the maximum number of passengers that the bus is lawfully entitled to carry and the driver of the bus sees a person waiting at a demarcated stopping place apparently intending to get on the bus, the driver must, subject to subsection (4), stop the bus at the stopping place, as close as possible to the kerb or edge of the public road in order to enable the person to get on.

(2) No driver of a bus may stop the bus to pick up a passenger at a place that is not a demarcated stopping place or stand.

(3) A conductor (if there is one) of a bus may not allow a person to get on a bus, and no person may get on a bus, at any place that is not a demarcated stopping place or stand.

(4) The driver of a bus that has a notice that it is an "express", "limited stop" or "special vehicle" is not required to stop until reaching the destination specified by the notice, and the provisions of this section apply *mutatis mutandis* (with the necessary changes) to such a bus.

43. **Getting off a bus** – (1) The provisions of section 43 apply *mutatis mutandis* (with the necessary changes) to passengers intending to get off a bus.

44. **Parking at stopping places for buses and destination signs** – (1) No driver or person in charge of a bus may park the bus at any stopping place on the route or allow the bus to be parked at any stopping place.

PART VII: LAW ENFORCEMENT

45. **Permit to be produced on demand** – (1) The permit holder in terms of these By-laws must -

(a) maintain the permit in a good and legible condition; and

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(b) keep the permit in the motor vehicle to which it relates at all relevant times when the vehicle is being operated as a taxi or bus.

(2) An authorized municipal officer or traffic officer may call on the driver of a taxi or bus to stop and may demand that he or she -

(a) produce the permit required under the provisions of these By-laws; and

(b) give his or her full name and address and also the name and address of the owner of the taxi or bus.

(3) A driver referred to in subsection (2) shall be guilty of an offence in terms of this by-law if he or she -

(a) fails or refuses to stop;

(b) fails or refuses to give his or her full name and address;

(c) fails or refuses to give the correct name and address of the owner of the vehicle in his or her charge;

(d) gives a false name and/or address; or

(e) fails or refuses to produce a permit.

46. **Unauthorised handing over or abandonment of a bus or taxi** – (1) No driver of a taxi or bus may abandon his or her vehicle or allow any other person to drive the taxi or bus under his or her control without the consent of the holder of the operating licence concerned.

(2) A taxi or bus shall be considered as abandoned if it is left unattended in any rank for a period longer than thirty (30) minutes at a time unless the driver or owner remains within a distance of eight (8) metres from such rank.

47. **Enforcement of right of entry** – (1) To enforce these By-laws, an authorised officer may, at any reasonable time and without prior notice, enter a taxi or bus facility to inspect the facility and make enquiries from a person connected with the facility.

48. **Obstructing an authorised officer** - (1) A person is guilty of obstructing an authorised officer if the person willfully hinders, delays, or obstructs any authorised officer in the discharge of his or her official powers or duties.

49. **Presumptions** – (1) A motor vehicle that is found on a taxi or bus facility or that has stopped at a taxi or bus facility is presumed to be plying for hire, unless the contrary is proved;

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(2) Presumption that owner drove or parked vehicle

(a) Where in any prosecution in terms of the Act relating to the driving of a vehicle on a public road, or in terms of this by-law, it is necessary to prove who was the driver of such vehicle, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.

(b) Whenever a vehicle is parked in contravention of any provision of this Act, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.

(c) For the purposes of subsections (1) and (2) and section 88 it shall be presumed, in the absence of evidence to the contrary, that, where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked, as contemplated in those sub-sections, or used as contemplated in that section by a director or servant of the corporate body in the exercise of his or her powers or in the carrying out of his or her duties as such director or servant or in furthering or endeavouring to further the interests of the corporate body.

(3) Presumption regarding officers – (1) In any prosecution in terms of these by-laws, the fact that any person purports to act or has purported to act as a metro police officer or peace officer, shall be *prima facie* proof of his or her appointment and authority so to act: provided that this section shall not apply to a prosecution on a charge for impersonation.

50. **Suspension or withdrawal of a permit** – (1) Where the owner, permit holder or person in charge of a taxi or bus has been found guilty of contravening these By-laws, and irrespective of whether any other penalty by a court of law has been imposed, the Municipality may, subject to the provisions of section 51 and after all the circumstances of the case have been taken into consideration, suspend the permit for such a taxi or bus for a period or withdraw the permit.

(2) The Municipality may, after taking all the circumstances of the case into consideration, suspend the permit for a taxi for a period or withdraw the permit if -

(a) the owner of the taxi does not -

(i) comply with an instruction issued in terms of these By-laws; or

(ii) maintain the taxi at all times in a clean state and in sound running condition and repair; or

(b) an authorised officer inspects the taxi and finds that the taxi -

(i) is constructed in such a way or is in such a condition that the taxi is unsafe for the number of passengers that it is authorised to carry; or

(ii) does not comply with the conditions specified in these By-laws or the Act or regulations made under the Act.

(3) No person may use a vehicle as a taxi at a taxi facility or allow one to be used as a taxi at a taxi facility if the vehicle's permit has been suspended or withdrawn.

51. **Procedure for the proposed suspension or withdrawal of a permit** – (1)A permit may not be suspended or withdrawn unless -

(a) the Municipality has given the permit holder and any taxi association of which the permit holder is a member, at least 14 days written notice by certified mail of the Municipality's intention to suspend or withdraw the permit, and such a notice must give -

(i) the reasons for the proposed action and an adequate statement setting out the nature of the action;

(ii) the gist of the matter which could be prejudicial to the permit holder, together with an invitation to respond to the matter;

(iii) an address for the submission of representation as contemplated in subsection (2); and

(iv) the date, time and place of a hearing (not less than 28 days from the date of the notice) to consider the suspension or withdrawal, and an indication that the permit holder may submit representations and appear at the hearing; and

(b) the permit holder is given an opportunity to, either personally or through his or her duly authorised representative, appear at a hearing before the Municipality or a committee of the Municipality to make representations.

(2) If a permit holder who has received a notice referred to in subsection (1) wishes to appear and to oppose the proposed action, he or she must, within 14 days of receiving the notice (or within a further period that the Municipality may allow), submit representations in writing by hand or by certified mail to the address indicated in the notice.

(3) After the hearing referred to in subsection (1), the Municipality must give a ruling on whether or not to suspend or withdraw the permit and must give the permit holder its reasons for the ruling in writing not later than 14 days after the date of the conclusion of the hearing.

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- (4) A record of the proceedings at the hearing referred to in subsection (1) must include -
- (a) the evidence given, if any;
 - (b) any objection made to any evidence received or submitted; and
 - (c) the ruling given at the hearing.

PART VIII: GENERAL

52. **Change of address of a permit holder** – (1) If the permit holder changes his or her address during the currency of the permit, he or she must notify the Municipality in writing of the new address not later than seven days after the change of address, and this notice must be delivered by hand, facsimile machine or certified mail.

53. **Property left in passenger-carrying vehicles** – (1) The driver of a passenger-carrying vehicle must carefully examine the vehicle immediately after the passenger has got off the vehicle, and if the passenger has left behind any property in the vehicle, the driver must -

- a. deliver that property to the person who left it behind; or
- b. if he or she is unable to deliver that property to the person who left it behind, take the property as soon as possible to the lost property office of his or her employer or to the nearest police station and deposit it with the officer on duty and obtain a receipt for it.

54. **Offences and penalties** – (1) Any person who –

- (a) contravenes or fails to comply with any provision of these bylaws or of any term, conditions, requirements, notice or order imposed or issued in terms thereof;
- (b) gives any information required by or in connection with any provisions referred to in paragraph (1) which is false or misleading;
- (c) causes or permits any other person to commit any of the aforesaid acts shall be guilty of an offence and shall be liable upon conviction -
 - (i) in the case of a first conviction to a fine not exceeding two thousand and five hundred rand;

(ii) in the case of a second or subsequent conviction for the same offence, a fine not exceeding five thousand rand;

(iii) or in default of payment of any fine imposed in either case mentioned in par (i) and (ii) above, imprisonment for a period not exceeding three months;

Provided that in the case of continuing offence, a fine not exceeding fifty rand for each day upon which the contravention continued may be imposed, but no such fine shall in any one prosecution or within any one month exceed ten thousand rand.

(2) Any person who-

(a) resists or wilfully hinders or obstructs an authorised officer in the exercise of his or her powers or the performance of his or her duties or functions or by a member wilfully interferes with such member or his or her uniform or equipment or any part thereof; or

(b) in order to compel an authorised officer to perform or abstain from performing any act in respect of the exercise of his or her powers in the performance of his or her duties or functions, or on account of such member having done or abstained from doing such an act, threatens or suggests the use of violence against, or restraint upon such member or any of his or her relatives or dependants, or threatens or suggests any injury to the property of such member or of any of his or her relatives or dependants, shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding 12 months.

55. **Short title** – (1) These By-laws are known as the Newcastle Local Municipality: By-laws for Fare-Bearing Motor Vehicles, 2016.

SPECIFICATION FOR ROOF SIGNS FOR TAXIS

1. The roof sign must be double-sided, and illuminated on both sides by diffused yellow lamp, and be capable of being fitted securely to a vehicle.
2. The roof sign must be fitted in such a position that it is visible to both following and oncoming traffic in all types of weather conditions and must be uniformly illuminated in such a way that identification under all normal conditions is possible.
3. The roof sign must be illuminated during hire.
4. The roof sign must have on it the word "Taxi" in 75mm high black letters, and may bear the operator's contact number.
5. All lettering on the sign must appear in bold type and must be at least 10 mm wide. The letter style must be DIN "A".

SCHEDULE 1

TARIFF OF PERMIT AND OTHER FEES PAYABLE TO THE MUNICIPALITY FOR THE FOLLOWING VEHICLES:

ITEM NO	DESCRIPTION OF VEHICLE AND PERMIT APPLICABLE	PERMIT FEES PER ANNUM R

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SCHEDULE 2

TARIFF OF FARES FOR METERED TAXIS

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