AMATHOLE DISTRICT MUNICIPALITY
PASSENGER TRANSPORT SERVICES BY-LAW

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996, the Amatole District Municipality, enacts as follows:-

Table of Content
CHAPTER 1: INTERPRETATION
1. Definitions
2. Purpose of by-law
CHAPTER 2: BUSES
3. Identification of buses
4. Stopping places
5. Manner of boarding bus
6. Showing of tickets
7. Passenger safety
CHAPTER 3: METERED TAXIS
8. Identification of metered taxis
9. Driver to take the shortest route
10. Operation of taxi meter
11. Driver to issue receipt
12. Multiple hiring
CHAPTER 4: MINIBUS TAXIS
13. Boarding of passengers
14. Number of passengers carried
15. Passengers to be allowed regular breaks
16. Appointment of rank marshals by the municipality
17. Procedure for queuing of passengers
CHAPTER 5: GENERAL PROVISIONS
18. Operating licence prerequisite for operation of passenger transport service
19. Impounding of vehicles
20. Engagement of Passengers
21. Boarding of passenger transport vehicle
22. Parking of metered taxi, minibus or bus
23. Servicing of passenger transport vehicle
24. Use of hooter or sounding device
25. Dangerous or offensive articles
26. Failing or refusing to pay or attempting to evade payment of fare due
27. Cleanliness of motor vehicle and manners of driver and conductor
28. Passengers with reduced mobility
29. Animals
30. Damage to public vehicle prohibited
31. Smoking
32. Alcohol consumption
33. Conveyance of diseased persons
CHAPTER 1: INTERPRETATION

1. Definitions
In this by-law, words used in the masculine gender include the feminine, words in the singular shall include the plural and vice versa and unless the context indicates otherwise: -

“authorized official” means:
(a) an official of the Municipality who has been authorized by it to administer, implement and enforce the provisions of this by-law;
(b) a traffic officer appointed in terms of section 3A of the National Road Traffic Act of 1996;
(c) a member of the police service, as defined in terms of section 1 of the South African Police Service Act of 1995;
(d) a peace officer, contemplated in terms of section 334 of the Criminal Procedure Act of 1977;

“bus” means a motor vehicle designed or adapted for the conveyance of more than 16 persons (including the driver, if any), as defined in the National Road Traffic Act of 1996;

“conductor” means a person who assists the driver of a passenger transport vehicle and who takes money from passengers, checks tickets and who attends to passenger needs and safety;

“driver” means a person who is in direct control of a motor vehicle and includes any person who drives or attempts to drive a motor vehicle;

“gazette” means the official gazette published by the Province;

“lift club” means any club of which every member shall, for no direct or indirect reward, have a turn to convey or cause to be conveyed by means of a motor car, the members of such club to or from specified places, for a specified purpose;

“medical officer” means a medical officer as defined in the National Health Act of 2003;

“metered taxi” means a passenger transport vehicle the cost of hiring of which is determined by a meter;

“minibus taxi” means a motor vehicle, other than a public bus or metered taxi, designed or adapted solely or principally for the conveyance of passengers, for which reward is being paid for such conveyance;

“motor vehicle” means a motor vehicle as defined in the National Road Traffic Act of 1996;

“multiple hiring” means the loading of more than one passenger or group of passengers whose destination may or may not be the same, for carriage in one journey, by the driver of a metered taxi;
“Municipality” means the Amathole District Municipality, established in terms of section 12 of the Local Government: Municipal Structures Act 117 of 1998, and includes any authorized agent thereof, or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated to such agent;

“National Road Traffic Act” means the National Road Traffic Act No 93 of 1996 and the regulations thereto;

“nuisance” means, without limiting the generality of the term, an act, omission, condition or state of affairs that impedes, offends, endangers or inconveniences the public at large;

“operator” means an individual, company, organization or association that provide passenger transport services;

“park” means to keep a motor vehicle, whether occupied or not, stationary for longer than is reasonably required for purposes of the actual loading and off-loading of passengers or goods, but does not include the keeping of the vehicle stationary owing to a cause beyond the control of the driver;

“passenger” means a person who is conveyed or carried in or on a passenger transport vehicle, and shall include a person who is boarding a passenger transport vehicle;

“passenger transport service” means a passenger transport service for passengers, provided for a fare or reward by road, including scheduled and unscheduled services, long distance services, and metered taxis;

“passenger transport vehicle” means a vehicle used for the provision of passenger transport services, and includes buses, minibus taxis and metered taxis;

“passenger with restricted mobility” means a person whose mobility is restricted by temporary or permanent physical or mental disability, and includes the visually impaired, hearing impaired, elderly, pregnant women and passengers with small children;

“province” means the Province of the Eastern Cape;

“provincial” means relating to the Province of the Eastern Cape;

“rank” means a facility officially set aside by the Municipality for use by passenger transport service operators;

“rank marshal” means a person appointed by the Municipality in terms of this by-law to perform the duties and functions contemplated in terms of this by-law;

“road traffic and transport legislation” means any act, regulation and by-law which has been promulgated by a competent authority for the regulation and control of road traffic or transportation, or the use of any road traffic or transport infrastructure;

“road users” means any other members of the public who make use of a public road as a driver of a vehicle, a passenger of any other vehicle or a pedestrian;

“roadworthy certificate” means a roadworthy certificate issued in accordance with the National Road Traffic Act of 1996;

“stop” means to keep a vehicle, whether occupied or not, stationary for a period longer than is reasonably required for the actual loading or off-loading of people or
goods, but does not include stopping owing to a cause which is beyond the control of the driver of the vehicle;
“stopping place” means an area falling within the road reserve, specifically designated by the municipality as a point at which passenger transport service vehicles may stop for purposes of loading and off-loading passengers;
“traffic officer” means a traffic officer as defined in the National Road Traffic Act of 1996.

2. **Purpose of by-law**
The purpose of this by-law is to regulate passenger transport services and to promote efficiency in the provision of bus, minibus taxi and metered taxi services.

**CHAPTER 2: BUSES**

3. **Identification of buses**
A bus used for passenger transportation must clearly display the area destination of the bus, alternatively the route number of the bus, at the front of the bus.

4. **Stopping places**
   (1) No person shall attempt to board a bus at any point along the route on which it is travelling, other than at a designated stopping place for such bus.
   (2) The driver of a bus engaged in a public passenger road transport service, which at the time does not carry the maximum number of passengers the vehicle is lawfully entitled to carry, must stop at any designated stopping place if there are passengers waiting at such stopping places.

5. **Manner of boarding bus**
Every passenger shall enter or alight from a bus by the step of the entrance to the bus, unless otherwise directed by the driver or conductor.

6. **Showing of Tickets**
Every passenger shall show his ticket to the conductor or inspector when required to do so, and allow same to be clipped or marked in any other way, for purposes of checking.

7. **Passenger Safety**
No passenger shall hold onto or hang on to any part of the exterior of the bus whilst the vehicle is in motion.

**CHAPTER 3: METERED TAXIS**

8. **Identification of metered taxis**
The operator of a metered taxi shall ensure that his vehicle is clearly marked with a sign which reads “taxi”.
9. **Driver to take the shortest route**
   (1) A driver of any metered taxi must, while the metered taxi is hired, drive to the passenger's destination using the shortest route, unless an alternative route is agreed upon or directed by the passenger, or unless instructed by an authorized official.
   (2) The driver of a metered taxi must be in possession of a current street map or of the municipal area and such map must be made available to the passenger, on request.

10. **Operation of Taxi Meter**
   (1) The driver of a metered taxi must ensure that the meter in his vehicle is in good working condition, and is clearly visible to the passenger.
   (2) The driver of a metered taxi may operate any particular journey at a fare not determined by operating the meter fitted to that vehicle, if the fare for that particular journey has been agreed upon between the driver and the passenger, before the begins.
   (3) Where a taxi is not fitted with a meter, but where the price of hiring is determined by tariff, the driver of the taxi shall:
       (a) advise the passenger of the cost of hiring the taxi to the required destination, before the passenger enters the taxi, and;
       (b) provide the passenger with a copy of the said tariff, upon the request of the passenger.

11. **Driver to issue receipt**
The driver of a metered taxi must, upon the request of the passenger, issue the passenger with a receipt or invoice for the journey.

12. **Multiple Hiring**
A passenger of a metered taxi is entitled to refuse a multiple hiring or sharing of the taxi, and the driver of a metered taxi shall not proceed with a multiple hiring without the consent of a passenger.

**CHAPTER 4: MINIBUS TAXIS**

13. **Boarding of passengers**
   (1) The municipality shall designate stopping places along the route of any minibus taxi, where a minibus taxi may load and off load passengers.
   (2) No driver of a minibus taxi may stop the vehicle for the purpose of loading and off loading passengers, except at stopping places designated by the municipality in terms of section 12(1).

14. **Number of passengers carried**
The driver of a minibus taxi may not exceed the number of passengers the vehicle is permitted to carry.
15. **Passengers to be allowed regular breaks**
   (1) Where long journeys are undertaken, the driver of a minibus taxi shall allow the passengers regular refreshment breaks every two hours, or after every 200 km (two hundred kilometers) have been traveled, whichever occurs first.

16. **Appointment of rank marshals by the municipality**
   (1) The municipality may appoint rank marshals at any rank to perform functions relating to the provision of minibus taxi services, set out in this by-law, and shall issue the rank marshal with a certificate of appointment.
   (2) A rank marshal appointed in terms of section 16(1) will be responsible for:
       (a) Regulating the queuing of passengers;
       (b) Ensuring the smooth loading of passengers into specific minibus taxis;
       (c) Controlling the number of passengers in vehicles, so as to prevent overloading;
       (d) Coordinating vehicle movements between the loading and off-loading of passengers;
       (e) Promoting the efficient coordination of passenger transport services.
   (3) Any person who fails to comply with a lawful instruction or direction of a rank marshal, or who obstructs or hinders a rank marshal in the performance of his duties shall be guilty of an offence.

17. **Procedure for queuing of passengers**
   (1) The driver of a minibus taxi shall:
       (a) Place his minibus taxi in the first vacant place at a taxi rank, behind any other minibus already there;
       (b) Move his minibus taxi forward in the taxi rank, as vacancies occur;
       (c) Not to respond to a call for his minibus taxi, when it is not his turn to do so;
       (d) Not to leave his minibus taxi unattended or parked in such a manner which will cause an obstruction.
   (2) A traffic officer may remove and impound any minibus taxi whose driver acts in contravention of section 19(1)(d).

---

**CHAPTER 5: GENERAL PROVISIONS**

18. **Operating licence prerequisite for operation of passenger transport service**
   (1) No person may operate a passenger transport service without being the holder of the appropriate operating licence for the vehicle concerned, as required by applicable road traffic and transport legislation.
   (2) Any person who operates a passenger transport service vehicle without being the holder of the appropriate operating licence shall be guilty of an offence.
   (3) Any vehicle used in the operation of a passenger transport services must be in possession of a valid public road carrier permit.
4. Any vehicle used in the operation of a passenger transport services must be in possession of a valid roadworthy certificate.
5. Any operator who offers a passenger transport services using a vehicle which is not in possession of a valid public road carrier permit or valid roadworthy certificate shall be guilty of an offence.
6. A copy of the public road carrier permit and roadworthy certificate must be readily available at all times and shall be presented to an authorized official or a passenger of the passenger transport service vehicle, upon request.

19. Impounding of vehicles
(1) A traffic officer who is satisfied on reasonable grounds that a motor vehicle is:
   (a) being used by any person for the operation of passenger transport without the necessary operating licence or contrary to the conditions imposed with regard thereto; or
   (b) unroadworthy;
may impound the vehicle pursuant to the investigation and prosecution of that person for an offence mentioned in terms of section 18.

20. Engagement of Passengers
(1) No driver of a passenger transport vehicle, or any other person, may use force or a threat, or in a clandestine manner or by any other means, prevent or seek to prevent any person from hiring any other public passenger transport vehicle, or prevent or seek to prevent the driver of such other vehicle from obtaining or conveying a passenger.
(2) The provisions of the preceding section shall apply mutatis mutandis to an attempt by a driver or any other person to compel a passenger to hire or make use of a passenger transport vehicle.
(3) No person may use force, a threat, any clandestine or other method, to prevent or attempt to prevent any person from participating in a lift club.

21. Boarding of passenger transport vehicle
(1) No person shall board, or attempt to board any passenger transport vehicle whilst such vehicle is in motion.
(2) Every passenger shall ensure that the passenger transport vehicle has come to a complete stop before attempting to enter or alight from the vehicle.

22. Parking of metered taxi, minibus or bus
No person may park a vehicle to be used for the purposes of providing passenger transportation, except in parking bays which the municipality has allocated and which have been marked by a road traffic sign as prescribed in terms of the National Road Traffic Act, 1996, for that vehicle, or which have been designated in terms of this by-law.

23. Servicing of passenger transport vehicle
No person shall service, repair, clean or wash a passenger transport vehicle at an existing rank, or a rank established in terms of this by-law, or a parking bay.

24. **Use of hooter or sounding device**
The driver or conductor of a passenger transport vehicle may not use a hooter or sounding device:
(1) to attract the custom of potential passengers; or
(2) so as to create a nuisance for other road users, passengers and pedestrians.

25. **Dangerous or offensive articles**
(1) No person shall be permitted to travel in or on any passenger transport vehicle with a firearm or any article, instrument or implement which may be dangerous or offensive to other passengers.
(2) The driver or conductor of a passenger transport vehicle shall refuse to carry a passenger who is in possession of a dangerous or offensive article or a firearm.
(3) The provisions of the preceding subsections shall not be applicable to any authorized official who is lawfully required to carry a firearm.

26. **Failing or refusing to pay or attempting to evade payment of fare due**
No hirer of, or passenger in or on a vehicle engaged in a passenger transport service, may fail or refuse to pay any fare due by such hirer or passenger.

27. **Cleanliness of motor vehicle and manners of driver and conductor**
(1) The owner and the driver of any vehicle engaged in the provision of public passenger transport must ensure that the vehicle is kept clean and in good condition at all times whilst it is engaged in the provision of such public passenger transportation services.
(2) The driver of a passenger transport vehicle shall not use any crude and vulgar language, and shall not display any crude or vulgar images, pictures or objects in the vehicle.
(3) The driver and conductor of a passenger transport vehicle shall, at all times, treat passengers with dignity, respect and courtesy and take all reasonable care to ensure the comfort of the passengers of that vehicle.
(4) The driver of a passenger transport vehicle shall not play the vehicle’s radio or sound system at an unreasonable volume, so as to create a nuisance, whilst providing passenger transport services, or whilst the passenger transport vehicle is parked or stopped at a passenger transport facility.

28. **Passengers with reduced mobility**
The driver or conductor of any vehicle engaged in the provision of public passenger transport may set aside seats in a passenger transport vehicle, for the use of passengers with reduced mobility.
29. Animals
(1) No animal shall be allowed into or onto any passenger transport vehicle, unless the animal is a guide dog.
(2) A guide dog referred to in the subsection above shall be permitted to travel without charge.
(3) The passenger in charge of such guide dog shall comply with such directions as the driver or conductor may consider necessary to give, in order to ensure that the reasonable comfort and convenience of other passengers is not unduly affected by the carriage of the guide dog.

30. Damage to public vehicle prohibited
(1) No person shall cut, tear soil or damage any public vehicle or the fittings thereof, break or scratch any window or panel, or deface or remove any number plate or the notice, from a public vehicle.
(2) No person, other than an owner, conductor, driver or authorized official shall change the route or destination indicator of a passenger transport vehicle.
(3) No person, other than an operator, driver, conductor, authorized official or any person authorized in terms of road traffic and transport legislation shall interfere with the equipment of a passenger transport vehicle in any way.

31. Smoking
Smoking is not permitted under any circumstances on a passenger transport vehicle.

32. Alcohol consumption
The consumption of alcohol is not permitted on or in a passenger transport vehicle.

33. Conveyance of diseased persons
(1) The driver of a passenger transport vehicle shall refuse to convey or carry:
   (a) Any person who is obviously suffering from a contagious or communicable disease as described in the National Health Act, 2003; or
   (b) A deceased person; or
   (c) A carcass, except a carcass of an animal or fowl, which is intended for human consumption and which is properly wrapped or packed.
(2) The operator or driver of a public passenger vehicle shall immediately notify a Medical Officer, and shall carry out all instructions of such Medical Officer with regard to the disinfection of the vehicle as soon as it comes to his knowledge that an undesirable object, or a diseased or deceased person, as contemplated in the previous subsection, has been conveyed or carried in the vehicle.
(3) No passenger transport vehicle in which an undesirable object, diseased or deceased person in terms of the preceding subsections has been conveyed, shall be permitted to resume business until such vehicle has been disinfected according to the instructions of the Medical Officer.
(4) Any operator or driver of a public passenger vehicle who does not comply with section 33(b), shall be guilty of an offence.

34. **Articles left in passenger transport vehicle**

(1) If any property is left in a passenger transport vehicle, the driver or conductor must:
   
   (a) if he belongs to a taxi association, take such property to the nearest office of the association;  
   (b) if he uses a bus depot, take such article to the office of the bus depot;  
   (c) if he does not belong to any association or make use of a bus depot, take such article to the nearest station of the South African Police Service.

(2) The driver or conductor must obtain a receipt from the person with whom the property is deposited.

35. **Establishment of passenger transport service facilities by municipality**

(1) The municipality shall designate areas within the municipal area for the use of passenger transport services as ranks, where the passenger transport service providers may load and off-load passengers.

(2) The municipality may designate different ranks for use by different passenger transport vehicles.

(3) The municipality may demarcate areas within a rank for the sole use of passenger transport vehicles which are intended to be short distance carriers, and for the sole use of passenger transport vehicles intended to be long distance carriers.

(4) The municipality may allocate places within the ranks for the parking of passenger transport vehicles, and shall ensure that the said parking bays have been marked by a road traffic sign as prescribed in terms of the National Road Traffic Act.

(5) The municipality may stipulate time limits for the parking of passenger transport vehicles in allocated parking bays.

36. **Offences and penalties**

(1) Any person who –
   
   (a) contravenes any provision of this by-law, which contravention is not expressly stated to be an offence;  
   (b) fails to comply with the terms of any notice served upon him, or instruction to him, in terms of this by-law;  

   shall be guilty of an offence.

(2) Any person who contravenes any of these provisions shall be guilty of an offence and liable, upon conviction, to a fine or imprisonment or to such fine and such imprisonment, provided that, in the case of a continuing offence, a fine may be imposed for each day on which the contravention continues.

37. **Repeal of by-law**
Any by-law relating to passenger transport services adopted by the municipality or any erstwhile Municipal council now comprising an administrative unit of the Municipality shall be repealed from the date of promulgation of this by-law.

38. **Short title and commencement**
This by-law is called the Passenger Transport Service By-law and becomes effective upon proclamation in the Provincial Gazette.