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# CONSTITUTION OF TRANSPORT FOR CAPE TOWN BY-LAW, 2013

APPROVED BY COUNCIL : 28 AUGUST 2013  
C 22/08/13

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**Preamble**

**WHEREAS** section 156(2) of the Constitution provides that a Municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer;

**WHEREAS** the allocation of responsibility for land transport matters in the City has previously been shared between the City, the Province and the Department of Transport;

**WHEREAS** pursuant to section 11 of the NLTA, a Municipality may have certain functions assigned to it;

**WHEREAS** in order to carry out its transport functions (including any such functions that may be assigned to it) effectively, the City wishes to establish a new transport authority within the City as a governance structure by which all such transport functions shall be collated so as to facilitate integrated transport for the benefit of the citizens of and visitors to the City;

**WHEREAS** such new transport authority shall be TCT and its functions shall be as set out in this By-law;

**WHEREAS** in response to the requirements of the NLTA, the City is required to improve the provision of transport services and to set standards which will change the way in which transport infrastructure, services, operations and systems are implemented and managed;

**WHEREAS** the City may exercise its powers in terms of sections 12 and 19 respectively of the NLTA, the relevant provisions of the Roads Ordinance, the National Road Traffic Act and the Urban Transport Act, and any other relevant transport related legislation and regulation; and

**WHEREAS** TCT shall be the body through which the City's functions under the NLTA are discharged;

**AND NOW THEREFORE, BE IT ENACTED** by the Council of the City of Cape Town, as follows:

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#### **GENERAL PROVISIONS**

##### **Definitions**

1. In this By-law, unless the context indicates otherwise:

**"City"** means the Municipality of the City of Cape Town;

**"City Manager"** means the person appointed as the municipal manager of the City in terms of section 54A of the Structures Act;

**"Commissioner"** means the person appointed by the Council to be the commissioner of TCT and whose appointment shall be made pursuant to section 57 of the Systems Act;

**"Committee"** means a section 79 Structures Act committee;

**"Constitution"** means the Constitution of the Republic of South Africa, 1996;

**"Contracting Authority"** means a Municipality to which the contracting authority function has been assigned in terms of the NLTA, and whose responsibilities are as set out in section 4 and which are to fall under TCT;

**"Council"** means the municipal council of the City as referred to in section 157 of the Constitution;

**"Director"** means any holder of the post of director (whether full or part time, temporary or permanent) in the City;

**"Executive Mayor"** means the executive mayor of the City elected in terms of section 55 of the Structures Act;

**"Financial Management"** means such responsibilities as set out in section 7 and which are to fall under TCT;

**"Financial Year"** means 1 July to 30 June (inclusive);

**"Function"** means any of the following functions to be performed through TCT (as the context may require):

- (a) Planning Authority;
- (b) Contracting Authority;
- (c) Municipal Regulatory Entity;
- (d) Performance Monitoring and Evaluation;
- (e) Financial Management;
- (f) Public Transport Law Enforcement;
- (g) Liaison, Communication and Stakeholder Management;
- (h) Infrastructure Management; and
- (i) Network Operations Management;

**"Functional Area"** means the area of the City together with the areas of such other Municipalities with whom the City has a transport planning relationship;

**"Infrastructure Management"** means such responsibilities as set out in section 10 and which are to fall under TCT;

**"Integrated Development Plan"** or **"IDP"** means the City's integrated development plan adopted in terms of chapter 5 of the Systems Act;

**"Integrated Public Transport Network"** or **"IPTN"** means the integrated public transport network (for both road and rail) for the City as referred to in the NLTA;

**"Integrated Transport Plan"** or **"ITP"** means an integrated transport plan for the City as contemplated in section 36 of the NLTA;

**"Intermodal Planning Committee"** means the intermodal planning committee established in terms of section 15 of the NLTA;

**"Land Transport Advisory Board"** means the land transport advisory board established in terms of section 16 of the NLTA;

**"Liaison, Communication and Stakeholder Management"** means such responsibilities as set out in section 9 and which are to fall under TCT;

**"Mayoral Committee"** means the mayoral committee of the City elected in terms of section 60 of the Structures Act;

**"MEC"** means the member of the Executive Council of the Province who is responsible for transport in the Province;

**"Minister"** means the minister responsible for transport in the national sphere of government;

**"MRE Committee"** means the Municipal Regulatory Entity committee referred to in section 5(4);

**"Municipal Entity"** means a municipal entity as defined in section 1 of the Systems Act;

**"Municipal Land Transport Fund"** means a fund established pursuant to section 27 of the NLTA and which is to fall under TCT;

**"Municipal Finance Management Act"** means the Local Government: Municipal Finance Management Act, No 56 of 2003;

**"Municipality"** includes all types of municipalities contemplated in section 155 of the Constitution;

**"Municipal Regulatory Entity"** means a Municipality to which the operating licence function has been assigned in terms of the NLTA, and whose responsibilities are as set out in section 5 and which are to fall under TCT;

**"National Road Traffic Act"** means the National Road Traffic Act, No 93 of 1996;

**"Network Operations Management"** means such responsibilities as set out in section 11 and which are to fall under TCT;

**"NLTA"** means the National Land Transport Act, No 5 of 2009;

**"Non-Member"** means any operator operating in the City who is not a member of an Operator Association;

**"Operating Licence Administrative System"** or **"OLAS"** means the operating licence administrative system that is to be used to manage the function of the Municipal Regulatory Entity;

**"Operating Licence Strategy"** or **"OLS"** means the operating licence strategy set out in the ITP and which is to be used to manage the function of the Municipal Regulatory Entity;

**"Operator Association"** means any operator association in relation to any on demand public transport service operating in the City;

**"Performance Monitoring and Evaluation"** means such responsibilities as set out in section 6 and which are to fall under TCT;

**"Planning Authority"** means a planning authority (as defined in the NLTA), and whose responsibilities are as set out in section 3 and which are to fall under TCT;

**"PLTF"** means a provincial land transport framework contemplated in section 35 of the NLTA;

**"PRASA"** means the Passenger Rail Agency of South Africa established in terms of section 23 of the Legal Succession to the South African Transport Services Act, No 9 of 1989;

**"Province"** means the Provincial Government of the Western Cape;

**"Public Transport Law Enforcement"** means such responsibilities as set out in section 8 and which are to fall under TCT;

**"Roads Ordinance"** means the Roads Ordinance, No 19 of 1976;

**"Structures Act"** means the Local Government: Municipal Structures Act, No 117 of 1998;

**"Systems Act"** means the Local Government: Municipal Systems Act, No 32 of 2000;

**"TCT"** means Transport for Cape Town, the City's transport authority;

**"TIC"** means the City's Transport Information Centre and which is to fall under TCT;

**"TMC"** means the City's Transport Management Centre and which is to fall under TCT; and

**"Urban Transport Act"** means the Urban Transport Act, No 78 of 1977.

#### **Establishment and functions of TCT**

2. (1) Subject to subsection (2), the Council shall establish a transport authority, to be known as Transport for Cape Town, within the City as a governance structure by which all the Functions shall be collated so as to facilitate integrated transport for the benefit of the citizens of and visitors to the City.
- (2) TCT shall not be a separate juristic person and in particular shall not be a Municipal Entity and:
  - (a) TCT shall remain in all respects part of the City and the City's governance and reporting structure; and
  - (b) the Commissioner shall not acquire any functions or powers except those lawfully granted and delegated to the Commissioner within the system of delegations, as amended from time to time.
- (3) The Commissioner shall be responsible and accountable for the performance of the Functions and in particular (but without limitation) shall set and manage the implementation of the strategy for delivering integrated transport for the benefit of the citizens of and visitors to the City.
- (4) Without prejudice to subsection (3), the Commissioner shall have such further functions as may be delegated to him or her by the Council from time to time:
  - (a) in accordance with such guidance or directions as may be issued by the Council;
  - (b) for the purpose of facilitating the discharge by the City of the City's functions under the NLTA, the Urban Transport Act, the Roads Ordinance, the National Road Traffic Act and any other relevant transport related legislation and regulation; and
  - (c) for the purpose of securing or facilitating the implementation of the integrated transport strategy of the City.
- (5) (a) TCT shall be headed by the Commissioner.

- (b) The Commissioner shall report directly to the City Manager in accordance with section 57 of the Systems Act.
- (c) The Council may delegate to the Commissioner such powers in relation to the performance of the Functions of TCT to enable the Commissioner to be responsible and accountable for the Functions.
- (d) Subject to the prior delegation of such authority by the City Manager, the Commissioner shall, subject to following due process, in his or her discretion, appoint such Directors as may be necessary to carry out the Functions.
- (e) Subject to any express provision contained in this By-law, the Constitution, the NLTA, the Systems Act, the Structures Act, the Roads Ordinance, the National Road Traffic Act, the Urban Transport Act and any other transport related legislation and regulation, the Commissioner may delegate any of his or her functions in terms of this By-law to any one or more Directors.
- (f) The exercise of any delegated authority conferred by the Commissioner under this By-law or otherwise is subject to:
  - (i) any restrictions imposed by or in accordance with law;
  - (ii) all other provisions of this By-law; and
  - (iii) all other applicable policies, procedures and operational by-laws.
- (g) Any reference to any enactment, regulation or other similar instrument in this By-law shall be construed as a reference to the enactment, regulation or instrument as amended, replaced, consolidated or re-enacted.
- (h) To the extent permitted or required by law, the Commissioner shall, subject to the required authority being obtained, enter into such memoranda of agreement on behalf of the Council with any or all of the national or provincial spheres of government or other Municipalities in order to carry out the Functions performed through TCT.

### **SPECIFIC FUNCTIONS OF TCT**

#### **Planning Authority**

- 3. (1) The Commissioner shall be responsible for implementing section 14 (Planning authorities), section 15 (Intermodal planning committees), section 16 (Land transport advisory boards), sections 31 to 39 (Transport planning) (inclusive) of the NLTA, together with all other sections of the NLTA relevant to the activities of a planning authority (as defined in the NLTA).
- (2) Without prejudice to subsection (1), the Commissioner shall develop, implement, manage and review the ITP for the City and (without limitation) shall ensure that such ITP:
  - (a) complies with all law, regulations and applicable guidance on the contents, manner and form of such ITP;



- (b) sets out the functional parameters for each Function and the obligations and standards that each Function is required to meet;
  - (c) requires each Function to report regularly to the Performance Monitoring and Evaluation Function on the progress and achievements against such obligations and standards referred to in subsection (2)(b);
  - (d) sets out how the Commissioner shall:
    - (i) administer the awarding and management of contracts to be entered into by the City as the Contracting Authority, subject to the City's Supply Chain Management regulations and policies;
    - (ii) set out in the Operating Licence Strategy how it intends to regulate the operating licences to be granted by the City as the Municipal Regulatory Entity (and the Commissioner shall ensure that such Operating Licence Strategy complies with the Constitution, the NLTA, the Municipal Finance Management Act, the Systems Act and the IDP); and
    - (iii) develop and maintain the City's transport infrastructure and related facilities; and
  - (e) is inclusive of the IPTN.
- (3) The standards that each Function is required to meet as referred to in subsection (2)(b) shall, on certain issues, including (without limitation) universal access, specialised services, freight and non-motorised transport, be drawn from the sector plans forming part of the ITP.
  - (4) Without prejudice to subsections (1), (2) and (3), the Commissioner shall prepare an ITP for each five year period (the first of which shall be for the period 2013 to 2018) and shall ensure that each such ITP is aligned to the corresponding IDP for the City.
  - (5) The Commissioner shall establish and maintain suitable means to ensure that the Planning Authority Function interfaces with the Municipal Regulatory Entity in relation to all matters relating to the planning of the IPTN and to all relevant obligations under the NLTA, including section 57 of the NLTA in particular.
  - (6) Without prejudice to subsection (5), the Commissioner shall provide comments and directions based on its ITP to all relevant Regulatory Entities in connection with any application for the granting, renewal, amendment or transfer of an operating licence that relates to the City and/or its Functional Area (other than a tourist transport service or charter service, and other than a contracted service contemplated in section 56 of the NLTA) pursuant to section 55 and other relevant provisions of the NLTA.
  - (7) The Commissioner shall, on behalf of the City as the Planning Authority, respond to all land use applications in the City that have a potential transport and/or traffic impact and in particular the extent to which they are aligned with the ITP, taking

- into account their related traffic impact, travel demand management and cost, and having regard to the application of the development contribution policy.
- (8) The Commissioner shall be responsible for developing, implementing and managing the innovation strategy and for developing the associated requirements to keep TCT at the forefront of advanced integrated transport systems to achieve the citizen service goals that are fundamental to TCT's overall business plan, and for medium and long term strategic planning in all Functions.
  - (9) Without prejudice to subsection (8), the Commissioner shall:
    - (a) be responsible for continuous progress towards the goal of integrated transport management to better serve the citizens of and visitors to the City; and
    - (b) regularly review innovations made by transport authorities in other jurisdictions to ensure the City's transport systems and services meet the highest standards currently available.
  - (10) Without prejudice to subsection (1), the Commissioner shall provide such information, analysis and advice to the Intermodal Planning Committee and the Land Transport Advisory Board as shall be required from time to time.
  - (11) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Planning Authority Function to the Performance Monitoring and Evaluation Function.

#### **Contracting Authority**

4. (1) The Commissioner shall be responsible for implementing section 40 (Integration of bus contract system into larger public transport system), section 41 (Negotiated contracts), section 42 (Subsidised service contracts), section 43 (Commercial service contracts), section 44 (Requirements to qualify as tenderer for commercial or subsidised service contracts), section 45 (Involvement of Municipalities in public transport services) and section 46 (Existing contracting arrangements) of the NLTA, together with all other sections of the NLTA relevant to the activities of a Municipality as a contracting authority (as defined in the NLTA).
- (2) Without prejudice to subsection (1), the Commissioner shall:
  - (a) by reference to the ITP (including the IPTN), establish the standards, operational parameters, service specifications (including provision for the repair, maintenance and replacement of transport assets being provided by or on behalf of public transport service providers), (subject to section 7(3)(c)) tariffs, payment regimes and the interface of the operators with the City's transport network for all contracts to be awarded and managed by the City as the Contracting Authority pursuant to the NLTA;
  - (b) prepare and maintain the contract documentation for all the contracts referred to in subsection (2)(a) and administer the process of appointing public transport service providers for such contracts, together with such

support service providers, to provide (without limitation) monitoring, information management, facilities management, advertising and automated fare collection services as may be necessary or desirable;

- (c) establish and maintain a system for monitoring the service delivery and performance standards which relate to the contracts referred to in subsection in (2)(a); and
  - (d) provide details to the Performance Monitoring and Evaluation Function of the performance of all public transport service providers under the contracts referred to in subsection (2)(a).
- (3) The Commissioner shall be responsible for monitoring:
- (a) the maintenance and safety standards of all scheduled public transport vehicles (whether or not such vehicles are owned by the City); and
  - (b) compliance by the operators of such scheduled public transport vehicles in relation to any qualifications, licences and certificates required for the drivers of such vehicles,
- in each case in accordance with all applicable law and any contracts awarded to such operators of such scheduled public transport vehicles by the Commissioner on behalf of the City.
- (4) The Commissioner shall ensure effective and efficient financial management and provide subsidy management support, including (without limitation) by:
- (a) processing contract claims;
  - (b) entering claims into the subsidy management system;
  - (c) completing financial documents for payments;
  - (d) communicating with operators regarding payment; and
  - (e) providing weekly and monthly expenditure reports.
- (5) The Commissioner shall ensure that the City is at all times compliant with the reporting and other information requirements of the Division of Revenue Act in force at the time in question.
- (6) The Commissioner shall establish and maintain suitable means to ensure that the City's Function as Contracting Authority interfaces with the City's Functions as Planning Authority and Municipal Regulatory Entity respectively in relation to the IPTN and to all relevant obligations under the NLTA.
- (7) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Contracting Authority Function to the Performance Monitoring and Evaluation Function.

**Municipal Regulatory Entity**

- 5.** (1) The Commissioner shall be responsible for implementing sections 17 to 19 (inclusive) and sections 47 to 84 (inclusive) of the NLTA, together with all other sections of the NLTA relevant to the activities of a Municipality as a regulatory entity (as defined in the NLTA).
- (2) Without prejudice to subsection (1), the Commissioner shall be responsible for the operating licences for those persons wishing to undertake an intraprovincial service that either takes place in the City or starts in the City and also takes place in the area of another Municipality, as contemplated by section 54(2) of the NLTA.
- (3) Without prejudice to subsection (1), the Commissioner shall be responsible for the smooth running of day to day operations in all operational areas, including existing functions of land transport and rail transport (primarily buses, minibus taxis and railways) and public transport safety and security.
- (4) The MRE Committee shall (without limitation) fulfil the following functions on behalf of the City, as the Municipal Regulatory Entity:
- (a) the granting, transferring, amendment and renewal of operating licences;
  - (b) the amendment of operating licences resulting from the replacement of a vehicle;
  - (c) the temporary replacement of a vehicle on an operating licence;
  - (d) the conversion of permits to operating licences;
  - (e) the duplication of operating licences;
  - (f) the provision of temporary permits for special events;
  - (g) the withdrawal, suspension or amendment of an operating licence; and
  - (h) the imposition of law enforcement parameters and penalties, including (without limitation) making appropriate inspections of public transport vehicles and their related certification,
- and (subject to subsection (5)) the Commissioner shall, on behalf of the City, as the Municipal Regulatory Entity, exercise such functions in accordance with the requirements, comments and directions of the Planning Authority and in particular the Operating Licence Strategy, and not in contravention of any policy of the Council.
- (5) In order to exercise such functions referred to in subsection (4), the Council shall appoint an MRE Committee that shall comprise a minimum of three persons (including the chairperson) with an appropriate range of skillsets.

- (6) The decisions of the MRE Committee in exercising such functions referred to subsection (4) shall be independent of the Council.
- (7) All appeals against or in connection with any decision made by the MRE Committee in exercise of the functions referred to in subsection (4) shall be made to the Transport Appeal Tribunal pursuant to section 92 of the NLTA.
- (8) The Commissioner shall ensure that the MRE Committee:
  - (a) follows such procedures in order to carry out its functions as the Council shall specify from time to time;
  - (b) keeps up to date records in the Operating Licence Administrative System of the exercise of such functions referred to in subsection (4);
  - (c) reports to the Council on the exercise of such functions at such intervals as the Council may require; and
  - (d) publishes appropriate details of the exercise of such functions on TCT's website at such intervals as the Council deems fit.
- (9) Without prejudice to subsection (1) and subject to any restriction or requirement imposed by law, the Commissioner may, if he or she deems fit, include information on the following in the Operating Licence Administrative System:
  - (a) particulars of Operator Associations and their members;
  - (b) particulars of Non-Members; and
  - (c) where appropriate, particulars of the routes operated by the Operator Associations and Non-Members, the description of which routes are to correlate with those in the ITP.
- (10) The Commissioner shall use the information referred to in subsection (9), together with the ITP and IPTN, to manage the Operator Associations in such manner as TCT deems fit.
- (11) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Municipal Regulatory Entity Function to the Performance Monitoring and Evaluation Function.

#### **Performance Monitoring and Evaluation**

- 6. (1) The Commissioner shall be responsible for establishing, managing and maintaining a central system for collating information and data from all the Functions and shall support such Functions interfacing with each other.
- (2) The Commissioner shall be responsible for the collation, maintenance and replacement of data and the maintenance, upgrading and replacement of the information systems and technology that in each case support all the Functions.
- (3) The Commissioner shall:

- (a) be responsible for the creation and maintenance of a website for TCT across all the Functions;
  - (b) subject to the prior approval of the Council, publish details on such website of the performance of TCT against its targets across all the Functions on a quarterly basis;
  - (c) subject to the prior approval of the Council as to the level of detail and format, publish details of the performance of all public transport service providers under the contracts referred to in section 4(2)(a) at such intervals as the Commissioner deems fit from time to time (and no further approval of the Council shall be required for each such publication of such details of performance, provided that the publication complies with the level of detail and format so approved by the Council); and
  - (d) provide a database of all stakeholders, together with appropriate fora to enable communication with the Commissioner on all transport related matters.
- (4) The Commissioner shall create links to the datasets within other directorates of the City and shall collate and maintain all transport use data in order to discharge its obligations under this section 6.
- (5) Without prejudice to the foregoing subsections of this section 6, the Commissioner shall record all transportation schemes to enable TCT to respond to enquiries in an efficient and effective manner.
- (6) (a) The Commissioner shall, as soon as possible after the end of each Financial Year, publish a report for inclusion as a separate chapter in the Council's annual report on the performance of TCT during that Financial Year.
- (b) Such report referred to in subsection (6)(a) shall set out details of:
- (i) the contribution made by TCT towards the implementation of the IDP;
  - (ii) the performance of TCT against the ITP; and
  - (iii) the performance of TCT against its targets across all the Functions and in particular the performance of the Municipal Land Transport Fund during that Financial Year.
- (c) Such report referred to in subsection (6)(a) shall include such information as the Executive Mayor may from time to time specify in writing with respect to any matter the report is required to deal with by virtue of subsection (6)(b).
- (d) The Commissioner shall keep a copy of any report made under this subsection (6) available for the appropriate period for inspection by any person on request free of charge at the principal offices of the City at reasonable hours.

- (e) The Commissioner shall supply a copy of any such report made under this subsection (6), or any part of any such report, to any person on request during the appropriate period for such reasonable fee as he or she may determine.
- (f) The "appropriate period" in the case of a report made under this subsection (6) is the period of three years beginning with the date of publication of such report.
- (7) Without prejudice to the foregoing subsections of this section 6, the Commissioner shall establish an electronic centralised knowledge management system to record all historic transport information and publications in order to achieve a single point of resource.

### **Financial Management**

- 7.** (1) The Commissioner shall be responsible for implementing section 27 (Municipal land transport funds), section 28 (Public transport user charges), section 29 (Minister may provide funds for land transport) and section 30 (MEC may provide funds for land transport) of the NLTA.
- (2) Without prejudice to subsection (1), the Commissioner shall (subject always to the Municipal Finance Management Act) be responsible for all finance matters across all the Functions.
- (3) Without prejudice to subsection (2), the Commissioner shall (subject always to the Municipal Finance Management Act):
  - (a) be responsible for operating an integrated financial management system and any other similar improvements that he or she may deem necessary and viable;
  - (b) be responsible for the overall coordination of the budget process for TCT and for making recommendations to the relevant Portfolio Committee and/or Budget Steering Committee of the City for submission to the Council as part of the Council's overall budgeting process, all of which shall be in accordance with the due process of the Council and the Municipal Finance Management Act;
  - (c) propose tariffs in respect of public transport and transport infrastructure, facilities and services to the Council for approval, the Commissioner having first assessed the appropriate level of such tariffs by means of a cost benefit analysis by all the relevant Functions within the parameters of the Municipal Land Transport Fund referred to in subsection (4);
  - (d) facilitate such international, national or provincial grants as may be appropriate to support the carrying out of the Functions and shall be responsible for the management of such grants within the parameters of the Municipal Land Transport Fund referred to in subsection (4);

- (e) be responsible for the costing of all investment in line with the Council's vision for transport in the City as expressed in the ITP from time to time and, in particular, for costing all major projects and programmes that form part of the ITP, having regard to both the cost of initial investment and the need for long term maintenance and facilities management as appropriate;
  - (f) be responsible for all revenue generation activities across all the Functions and in particular in relation to all aspects of ticketing including:
    - (i) the development and implementation of an integrated ticketing system for public transport, including (without limitation) the Europay, Mastercard and VISA (EMV) card and billing system, as well as (without limitation) for parking, park and ride, dial-a-ride, events management, specialised services and bicycle hire services; and
    - (ii) the establishment, roll out and management of the automated fare collection system;
  - (g) be responsible for providing assurance as to probity across all Functions relating to their contracting and procurement activities; and
  - (h) continually strive to improve all areas of interoperability and the effectiveness, efficiency and economic viability of transport and related infrastructure for the benefit of the citizens of and visitors to the City.
- (4) Without prejudice to subsections (1), (2) or (3), the Commissioner shall be responsible for establishing and maintaining a Municipal Land Transport Fund in terms of sections 27 and 28 of the NLTA.
  - (5) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Financial Management Function (including in relation to ticketing in particular) to the Performance Monitoring and Evaluation Function.
  - (6) Without prejudice to the foregoing subsections of this section 7 and subject always to the Municipal Finance Management Act, the Commissioner shall appoint the Director of the Financial Management Function to ensure that TCT's financial affairs are administered in a proper manner, in compliance with all relevant professional codes of conduct, all statutory obligations and in accordance with the due process of the Council.

#### **Public Transport Law Enforcement**

- 8. (1) The Commissioner shall be responsible for implementing sections 85 to 91 (inclusive) of the NLTA.
- (2) Without prejudice to subsection (1), the Commissioner shall be responsible for the enforcement of the National Road Traffic Act insofar as it relates to public transport law enforcement.



- (3) Without prejudice to subsections (1) or (2), the Commissioner shall be responsible for enforcing safety in relation to the use of the City's public transport network and related infrastructure and facilities.
- (4) The Commissioner shall make appropriate use of the TMC and TIC and related technology, and shall work with other relevant agencies and stakeholders in order to discharge its responsibilities under this section 8.
- (5) The Commissioner shall provide such traffic management and enforcement services in terms of its public transport law enforcement and safety strategy as the Council shall determine from time to time.
- (6) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Public Transport Law Enforcement Function to the Performance Monitoring and Evaluation Function.

### **Liaison, Communication and Stakeholder Management**

- 9.**
- (1) The Commissioner shall establish and maintain procedures and management practices in order to ensure the effective and efficient liaison and communication with all identified stakeholders.
  - (2) The Commissioner shall include in the procedures and management practices referred to in subsection (1) appropriate initiatives to enable successful and sustainable industry transition and empowerment according to parameters identified by the Council from time to time.
  - (3) The Commissioner shall be responsible for the internal and external marketing of TCT to ensure that the citizens of and visitors to the City are well-informed and satisfied, as measured by a programme of continuous monitoring of customer satisfaction, including (without limitation) readily available public information on performance against targets and service levels published by the Performance Monitoring and Evaluation Function.
  - (4) The Commissioner shall communicate and interface with the public through (among other means of communication) the TIC in relation to public transport operational matters.
  - (5) The Commissioner shall assist the Mayoral Committee Member for TCT in connection with any dealings with the media that he or she may require.
  - (6) The Commissioner shall, subject to the required authority being obtained, enter into appropriate memoranda of agreement, on behalf of the Council, with transport stakeholders, including (without limitation) Operator Associations, groups representing persons with specialised needs and educational forums.
  - (7) (a) Without prejudice to any other subsection of this section 9, the Commissioner shall, by using the website, database and other fora for communication with stakeholders referred to in section 6(3), make available such information as he or she deems fit which:

- (i) relates to public passenger transport services provided for the benefit of the citizens of and visitors to the City; and
    - (ii) is required by members of the general public to assist in deciding what use to make of such services.
  - (b) Such information referred to in subsection (7)(a) shall be made available, in accordance with the provisions of the Systems Act, to:
    - (i) the general public; and
    - (ii) such other persons as the Commissioner deems fit.
  - (c) The Commissioner may make such charges in accordance with the approved Council tariffs for any information which it makes available, but no such charge may be made if the information relates to public passenger transport services provided exclusively by TCT.
- (8) The Commissioner shall:
  - (a) establish, on behalf of the Council, an Intermodal Planning Committee in accordance with section 15 of the NLTA in order to coordinate public transport between modes in order to achieve the objects of the NLTA; and
  - (b) chair the Intermodal Planning Committee and ensure that the membership of the Intermodal Planning Committee complies with section 15(1) of the NLTA;
  - (c) ensure that the Intermodal Planning Committee reports to and consults regularly with the Land Transport Advisory Board (and the Commissioner shall report to the Council as and when the matters being so reported or consulted on relate to the activities of TCT);
  - (d) ensure that the Intermodal Planning Committee complies with all regulations as to its functions, membership and operations that may be made pursuant to the NLTA;
  - (e) without prejudice to the foregoing provisions of this subsection (8), ensure that the Intermodal Planning Committee coordinates input and direction into the holistic integration of:
    - (i) rail passenger services in the Functional Area with road based public transport services;
    - (ii) scheduled services, minibus taxi-type services and unscheduled services in the Functional Area with each other and with other public transport modes;
    - (iii) all aspects of the ITP so as to ensure that the optimal use of infrastructure and services within the system and optimal utilization and prioritisation of funds, including freight transport and non-motorised transport, is achieved; and

- (iv) the roles, responsibilities and interrelationships of all relevant transport stakeholders, including (without limitation) community transport fora, commerce, public transport operators and labour; and
  - (f) ensure that the Intermodal Planning Committee establishes such sub committees, which may comprise rail, bus, taxi and land transport enforcement sub committees, as the Intermodal Planning Committee deems fit.
- (9) The Commissioner shall:
  - (a) establish, on behalf of the Council, the Land Transport Advisory Board in accordance with section 16 of the NLTA and with representation from government and the private sector to advise it in relation to land transport matters;
  - (b) ensure that the Land Transport Advisory Board complies with any regulations made from time to time by the Minister responsible for transport in the national sphere of government under section 16(2) of the NLTA in relation to the membership of the Land Transport Advisory Board, the appointment and qualifications for membership, procedures and frequency of meetings, and related matters; and
  - (c) require that the Land Transport Advisory Board:
    - (i) receives input from the Intermodal Planning Committee; and
    - (ii) makes strategic policy recommendations to the Council and other relevant decision making bodies in relation to integrated land transport matters as referred to in subsections (8)(e) and (f),

all of which shall be in the furtherance of integrated transport in the City.
- (10) The Mayoral Committee Member for TCT shall chair the Land Transport Advisory Board and the chairperson of the TCT Portfolio Committee shall be the deputy chairperson of the Land Transport Advisory Board.
- (11) The Commissioner shall take all necessary steps to develop and roll out TCT's brand and its supporting logos and architecture to the intent that the brand of TCT fully supports the Council's vision of TCT across the Functions.

### **Infrastructure Management**

- 10. (1) The Commissioner shall be responsible for the planning, design, costing, construction, maintenance, replacement, extension and upgrading of the City's road network, the public transport network and public transport infrastructure, the stormwater network, stormwater infrastructure, sea walls and related facilities.
- (2) The Commissioner shall be responsible as and shall perform all the functions of the road authority under the Roads Ordinance for all public roads and public paths (as such public roads and public paths are defined in the Roads Ordinance) in the

City and shall, to the extent necessary, make such further applications under the Roads Ordinance in order to take up such responsibility.

- (3) The Commissioner shall establish, manage and maintain an asset register relating to the City's road network, the public transport network and public transport infrastructure and related facilities referred to in subsection (1).
- (4) In particular, the Commissioner shall ensure that the asset register referred to in subsection (3) shall record the following information:
  - (a) the location of the assets referred to in subsection (3);
  - (b) the classification and definition of such assets;
  - (c) the age of such assets;
  - (d) the lifecycle costs of maintaining such assets and in particular the costs of deferring the maintenance of such assets; and
  - (e) the quantification of such assets and the financial value of such assets.
- (5) In making decisions as to the maintenance of the assets as referred to in subsection (4), the Commissioner shall reach an appropriate balance between planned and reactive maintenance so as to ensure the long term and cost effective sustainability of such assets, as well as considering appropriate business planning scenarios to support the Commissioner's decisions to invest strategically in such assets as he or she shall consider to be of high importance.
- (6) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Infrastructure Management Function to the Performance Monitoring and Evaluation Function.

### **Network Operations Management**

- 11.** (1) The Commissioner shall be responsible for the planning, design, costing, management, operation and oversight of all activities on the integrated transport network and related infrastructure and facilities in the City (and in particular the IPTN), including (without limitation) the operation of:
  - (a) the traffic signalling systems;
  - (b) the bus and minibus taxi (BMT) lanes;
  - (c) the traffic management cameras;
  - (d) parking management;
  - (e) the freeway management system;
  - (f) transport plans in relation to events management;
  - (g) abnormal loads and transport of dangerous goods procedures;

- (h) the management of the TMC and the TIC;
  - (i) communication systems, the comprehensive databank and TCT's information systems and technology, all of which shall be located at and managed from the TMC;
  - (j) communication facilities at all major public transport facilities, interchanges and on the integrated transport network and related infrastructure and facilities;
  - (k) the integrated timetabling of all public transport services;
  - (l) road closures; and
  - (m) the granting of wayleaves.
- (2) The Commissioner shall, on a monthly basis, provide appropriate data in relation to its activities under this Network Operations Management Function to the Performance Monitoring and Evaluation Function.

### **MISCELLANEOUS**

#### **General functions of TCT**

- 12.** (1) The Commissioner may promote and administer the carrying out of any activities which he or she has power to carry out, whether such power is conferred by statute, this By-law or delegated by the Council and, to the extent permitted by law, the Commissioner shall be entitled to appoint such staff, agents and contractors as he or she thinks fit and/or is required to appoint by the Council to carry out such activities that the Commissioner has power to carry out.
- (2) The Commissioner may, subject to the required authority being obtained, enter into and carry out any agreement with any person for the carrying out by that person, whether as agent for TCT or otherwise, of any activities which the Commissioner has power to carry out (and, in particular, with respect to the provision or financing of any public passenger transport services which TCT has power to provide), subject to due process being followed.
- (3) To the extent permitted by law, it shall be within the capacity of the Commissioner (subject to the required authority being obtained) to do such things and enter into such transactions as are calculated to facilitate, or are conducive or incidental to, the discharge of any of its functions.

#### **Agreements with the Province and adjacent Municipalities**

- 13.** Subject to the prior approval of the Council, the Commissioner may enter into such arrangements with the Province or adjacent Municipalities in terms of section 12 of the NLTA and such arrangements with adjacent Municipalities in terms of section 19 of the NLTA as the Commissioner deems fit.

**Short title**

- 14.** This By-law is called the City of Cape Town: Constitution of Transport for Cape Town By-law, 2013.

## STAD KAAPSTAD

### VERORDENING OP DIE SAMESTELLING VAN VERVOER VIR KAAPSTAD (TCT), 2013

GOEDGEKEUR DEUR RAAD: 28 AUGUSTUS 2013

C [22/08/13]

**Aanhef**

**AANGESIEN** artikel 156(2) van die Grondwet bepaal dat 'n munisipaliteit verordeninge mag maak en toepas vir die doeltreffende administrasie van aangeleenthede waarvan die administrasie regtens aan hom opgedra is;

**AANGESIEN** die verdeling van verantwoordelikhede vir landvervoeraangeleenthede in die Stad voorheen tussen die Stad, die provinsie en die Departement van Vervoer gedeel is;

**AANGESIEN** sekere funksies moontlik ingevolge artikel 11 van die WNLV aan 'n munisipaliteit opgedra kan word;

**AANGESIEN** die Stad, ten einde sy vervoerfunksies (met inbegrip van enige sodanige funksies wat dalk aan hom opgedra kan word) doeltreffend uit te voer, van voorneme is om 'n nuwe vervoerowerheid binne die Stad as bestuurstruktuur in te stel waaronder alle sodanige funksies saamgevoeg sal word met die oog daarop om geïntegreerde vervoer tot voordeel van die burgers van en besoekers aan die Stad te fasiliteer;

**AANGESIEN** sodanige nuwe vervoerowerheid TCT sal wees en sy funksies soos in hierdie verordening uiteengesit daar sal uitsien;

**AANGESIEN** daar in reaksie op die vereistes van die WNLV van die Stad verwag word om die voorsiening van vervoerdienste te verbeter en om standarde neer te lê ter verandering van die wyse waarop vervoerinfrastruktuur, -dienste, -bedrywe en -stelsels geïmplementeer en bestuur word;

**AANGESIEN** die Stad sy magte, onderskeidelik opgedra kragtens artikels 12 en 19 van die WNLV, die tersaaklike bepalings van die Ordonnansie op Paaie, die Nasionale Padverkeerswet en die Wet op Stedelike Vervoer, en enige ander tersaaklike vervoerverwante wetgewing en regulasie, mag uitvoer; en

**AANGESIEN** TCT die liggaam sal wees waardeur die Stad sy funksies kragtens die WNLV sal vervul;

**WORD DAAR DUS HIERMEE** as volg deur die Raad van Stad Kaapstad **VERORDEN**:

**INHOUDSOPGAWE****ALGEMENE BEPALINGS**

15. Omskrywings
16. Instelling en funksies van TCT

**SPESIFIEKE FUNKSIES VAN TCT**

17. Beplanningsowerheid
18. Kontrakterende owerheid
19. Munisipale regulatoriese entiteit



20. Prestasiemonitering en -evaluering
21. Finansiële bestuur
22. Wetstoepassing ten opsigte van openbare vervoer
23. Skakeling, kommunikasie en belanghebbertbestuur
24. Infrastruktuurbestuur
25. Netwerkbedryfsbestuur

#### DIVERSE

26. Algemene funksies
27. Ooreenkomste met die provinsie en aangrensende munisipaliteite
28. Korttitel

#### ALGEMENE BEPALINGS

##### Omskrywings

1. In hierdie verordening, tensy die konteks anders aandui, beteken:

**"administratiewe stelsel vir bedryfslisensies"** of **"OLAS"** die administratiewe stelsel vir bedryfslisensies wat gebruik word om die funksie van die munisipale regulatoriese entiteit te bestuur;

**"adviesraad oor landvervoer"** die adviesraad oor landvervoer wat kragtens artikel 16 van die WNLV ingestel is;

**"bedryfslisensiestrategie"** of **"BLS"** die bedryfslisensiestrategie wat in die IVP uiteengesit word en wat gebruik gaan word om die funksie van die munisipale regulatoriese entiteit te bestuur;

**"beplanningsowerheid"** 'n beplanningsowerheid (soos omskryf in die WNLV) en wie se verantwoordelikhede ooreenstem met dié uiteengesit in artikel 3 en wat onder die TCT ressorteer;

**"bestuurskomitee"** 'n bestuurskomitee wat kragtens artikel 60 van die Strukturewet verkies is;

**"boekjaar"** 1 Julie tot 30 Junie (inklusief);

**"direkteur"** enige bekleër van die pos van direkteur (hetsy vol- of deeltjds, tydelik of permanent) in die Stad;

**"finansiële bestuur"** daardie verantwoordelikhede soos uiteengesit in artikel 7 en wat onder die TCT ressorteer;

**"funksie"** enige van die volgende funksies wat deur TCT verrig word (namate die konteks mag bepaal):

beplanningsowerheid;

kontrakterende owerheid;

munisipale regulatoriese entiteit;

prestasiemonitering en -evaluering;

finansiële bestuur;

wetstoepassing ten opsigte van openbare vervoer;

skakeling, kommunikasie en belanghebberebestuur;

infrastruktuurbestuur; en

(i) netwerkbedryfsbestuur;

**"funksionele gebied"** die gebied van die Stad tesame met die gebiede van sodanige ander munisipaliteite met wie die Stad 'n verhouding ten opsigte van vervoerbeplanning het;

**"geïntegreerde ontwikkelingsplan"** of **"GOP"** die Stad se geïntegreerde ontwikkelingsplan kragtens hoofstuk 5 van die Stelselwet;

**"geïntegreerde openbarevervoernetwerk"** of **"GOVN"** die geïntegreerde openbarevervoernetwerk (beide pad en spoor) vir die Stad soos na verwys in die WNLV;

**"geïntegreerde vervoerplan"** of **"IVP"** 'n geïntegreerde vervoerplan soos bedoel in artikel 36 van die WNLV;

**"Grondwet"** die Grondwet van die Republiek van Suid-Afrika, 1996;

**"infrastruktuurbestuur"** daardie verantwoordelikhede soos uiteengesit in artikel 10 en wat onder die TCT ressorteer;

**"intermodale beplanningskomitee"** die intermodale beplanningskomitee wat kragtens artikel 15 van die WNLV ingestel is;

**"komitee"** 'n komitee ooreenkomstig artikel 79 van die Strukturewet;

**"Kommissaris"** die persoon wat deur die Raad aangestel is om as Kommissaris van die TCT te dien en wie se aanstelling ingevolge artikel 57 van die Stelselwet sal geskied;

**"kontrakterende owerheid"** 'n munisipaliteit aan wie die funksie as kontrakterende owerheid kragtens die WNLV toegewys is en wie se verantwoordelikhede ooreenstem met dié wat in artikel 4 uiteengesit is en onder die TCT ressorteer;

**"LUR"** 'n lid van die provinsie se Uitvoerende Raad wat vir vervoer in die provinsie verantwoordelik is;

**"minister"** die minister verantwoordelik vir vervoer in die nasionale regeringsfeer;

**"MRE-komitee"** die komitee van die munisipale regulatoriese entiteit waarna in artikel 5(5) verwys word;

**"munisipale entiteit"** 'n munisipale entiteit soos omskryf in artikel 1 van die Stelselwet;

**"munisipale landvervoerbonds"** 'n fonds wat ingevolge artikel 27 van die WNLV daargestel is en onder die TCT ressorteer;

**"munisipale regulatoriese entiteit"** 'n munisipaliteit aan wie die bedryfslisensiefunksie kragtens die WNLV toegewys is en wie se verantwoordelikhede ooreenstem met dié wat in artikel 5 uiteengesit is en onder die TCT ressorteer;

**"munisipaliteit"** alle tipes munisipaliteite wat in artikel 155 van die Grondwet bedoel is;

**"netwerkbedryfsbestuur"** daardie verantwoordelikhede soos uiteengesit in artikel 11 en wat onder die TCT ressorteer;

**"nie-lid"** enige operateur wat in die Stad bedrywig is en nie 'n lid van 'n operateursvereniging is nie;

**"operateursvereniging"** enige operateursvereniging wat verband hou met enige op-aanvraag-openbarevervoerdienste wat in die Stad bedryf word;

**"Ordonnansie op Paaie"** die Ordonnansie op Paaie, no. 19 van 1976;

**"PLVR"** 'n provinsiale landvervoerraamwerk soos bedoel in artikel 35 van die WNLV;

**"PRASA"** die Passasierspooragentskap van Suid-Afrika ingestel kragtens artikel 23 van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989 (Wet 9 van 1989);

**"prestasiemonitering en -evaluering"** daardie verantwoordelikhede soos uiteengesit in artikel 6 en wat onder die TCT ressorteer;

**"provinsie"** of **"PRWK"** die provinsiale regering van die Wes-Kaap;

**"Raad"** die munisipale raad van die Stad soos na in artikel 157 van die Grondwet verwys;

**"regulatoriese entiteit"** 'n regulatoriese entiteit soos omskryf in die WNLV;

**"skakeling, kommunikasie en belanghebbendbestuur"** daardie verantwoordelikhede soos uiteengesit in artikel 9 en wat onder die TCT ressorteer;

**"Stad"** die munisipaliteit van die Stad Kaapstad;

**"stadsbestuurder"** die persoon wat kragtens artikel 54A van die Strukturewet as die munisipale bestuurder van die Stad aangestel is;

**"Stelselwet"** die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000);

**"Strukturewet"** die Wet op Plaaslike Regering: Munisipale Strukture, 1998 (Wet 117 van 1998);

**"TCT"** Vervoer vir Kaapstad, die Stad se vervoerowerheid;

**"TIC"** die Stad se vervoerinligtingsentrum en wat onder die TCT ressorteer;

**"TMC"** die Stad se vervoerbestuursentrum en wat onder die TCT ressorteer;

**"Uitvoerende Burgemeester"** die Uitvoerende Burgemeester wat kragtens artikel 55 van die Strukturewet verkies is;

**"Wet op Munisipale Finansiële Bestuur"** die Plaaslike Regering: Wet op Munisipale Finansiële Bestuur, 2003 (Wet 56 van 2003);

**"Wet op Nasionale Padverkeer"** die Wet op Nasionale Padverkeer, 1996 (Wet 93 van 1996);

**"Wet op Stedelike Vervoer"** die Wet op Stedelike Vervoer, 1977 (Wet 78 van 1977);

**"wetstoepassing ten opsigte van openbare vervoer"** sodanige verantwoordelikhede soos uiteengesit in artikel 8 en wat onder die TCT ressorteer; en

**"WNLV"** die Wet op Nasionale Landvervoer, 2009 (Wet 5 van 2009).

### **Instelling en funksies van TCT**

2. (1) Onderworpe aan subartikel (2), sal die Raad 'n vervoerowerheid, wat as Vervoer vir Kaapstad bekend sal staan, binne die Stad as bestuurstruktuur instel onder wie al die funksies saamgevoeg sal word ten einde geïntegreerde vervoer vir die burgers van en besoekers aan die stad te fasiliteer.
- (2) TCT sal nie 'n afsonderlike regspersoon wees nie en sal in die besonder nie 'n munisipale entiteit wees nie en:
  - (a) TCT sal in alle opsigte deel van die Stad en die Stad se bestuur- en verslagdoeningstruktuur bly; en
  - (b) Die Kommissaris sal nie enige funksies of magte bekom behalwe daardie wat regmatig binne die stelsel van delegasies, soos van tyd tot tyd gewysig, vergun word aan en na die Kommissaris gedelegeer word nie.
- (3) Die Kommissaris sal verantwoordelik en aanspreeklik wees vir die uitvoering van die funksies en sal in die besonder (maar sonder beperking) die strategie vir die

lewering van geïntegreerde vervoer tot voordeel van die burgers van en besoekers aan die Stad bepaal en die implementering daarvan bestuur.

- (4) Sonder om afbreuk te doen aan subartikel (3), sal die Kommissaris verdere funksies hê soos van tyd tot tyd deur die Raad aan hom of haar gedelegeer mag word:
  - (a) ooreenkomstig sodanige rigsnoere of aanwysings wat dalk deur die Raad uitgereik word;
  - (b) vir die doel om voldoening deur die Stad aan die Stad se funksies kragtens die WNLV, die Wet op Stedelike Vervoer, die Ordonnansie op Paaie, die Wet op Nasionale Padverkeer en enige ander tersaaklike vervoerverwante wetgewing en -regulasie te fasiliteer; en
  - (c) vir die doel om die implementering van die Stad se strategie vir geïntegreerde vervoer te waarborg en te fasiliteer.
- (5)
  - (a) Die Kommissaris sal aan die hoof staan van TCT.
  - (b) Ooreenkomstig artikel 57 van die Stelselwet sal die Kommissaris regstreeks aan die stadsbestuurder verslag doen.
  - (c) Die Raad kan sodanige magte ten opsigte van die verrigting van die funksies van TCT deleger as wat nodig geag mag word om die Kommissaris in staat te stel om verantwoordelikheid en aanspreeklikheid vir die funksies, soos in subartikel (5)(d) na verwys, te aanvaar.
  - (d) Onderworpe daaraan dat die stadsbestuurder vooraf sodanige gesag gedelegeer het, sal die Kommissaris, nadat die voorgeskrewe prosedures gevolg is, sodanige direkteure aanstel as wat nodig mag wees om die funksies uit te voer.
  - (e) Onderworpe aan enige uitdruklike bepaling vervat in hierdie verordening, die Grondwet, die WNLV, die Stelselwet, die Strukturewet, die Ordonnansie op Paaie, die Wet op Nasionale Padverkeer, die Wet op Stedelike Vervoer of enige ander vervoerverwante wetgewing en regulasie, kan die Kommissaris enige van sy of haar funksies ten opsigte van hierdie verordening aan een of meer direkteur deleger.
  - (f) Die uitoefening van enige gedelegeerde gesag wat deur die Kommissaris kragtens hierdie verordening of andersins opgedra word, is onderworpe aan:
    - (i) alle ander beperkings wat deur hierdie verordening opgelê of daarvolgens toegepas moet word;
    - (ii) alle ander bepalings van hierdie verordening; en
    - (iii) alle ander toepaslike beleid, prosedures en geldige verordeninge.

- (g) Enige verwysing na enige bepaling, bevel, regulasie of ander soortgelyke instrument in hierdie verordening sal vertolk word as 'n verwysing na die bepaling, bevel, regulasie of instrument soos gewysig, vervang, gekonsolideer of herbepaal.
- (h) Tot die mate waartoe regtens vergun of vereis word, sal die Kommissaris, onderworpe daaraan dat die nodige magtiging verleen word, sodanige aktes van ooreenkoms namens die Raad met enige of alle nasionale en provinsiale regeringsfere of ander munisipaliteite aangaan ten einde die funksies te verrig wat deur TCT uitgevoer word.

### **SPESIFIEKE FUNKSIES VAN TCT**

#### **Beplanningsowerheid**

3. (1) Die Kommissaris sal verantwoordelik wees vir die implementering van artikel 14 (beplanningsowerhede), artikel 15 (intermodale beplanningskomitees), artikel 16 (adviesrade vir landvervoer) en artikels 31 tot 39 (vervoerbeplanning) (inklusief) van die WNLV, tesame met alle ander afdelings van die WNLV van toepassing op die aktiwiteite van 'n beplanningsowerheid (soos omskryf in die WNLV).
- (2) Sonder om afbreuk te doen aan subartikel (1), sal die Kommissaris die IVP vir die Stad ontwikkel, implementeer, bestuur en hersien en (sonder beperking) verseker dat sodanige IVP:
  - (a) aan alle wette, regulasies en toepaslike riglyne oor die inhoud, aard en vorm van sodanige IVP voldoen;
  - (b) die funksionele parameters vir elke funksie uiteensit sowel as die verpligtinge en standaarde waaraan elke funksie na verwagting moet voldoen;
  - (c) van elke funksie verwag om gereeld aan die prestasiemonitering- en evalueringsfunksie verslag te doen oor vordering en prestasies teenoor sodanige verpligtinge en standaarde as waarna in subartikel (2)(b) verwys word;
  - (d) uiteensit hoe die Kommissaris:
    - (i) die toekenning en bestuur van kontrakte wat deur die Stad as die kontrakterende owerheid aangegaan moet word, sal administreer, onderworpe aan die Stad se regulasies en beleid vir voorsieningskanaalbestuur;
    - (ii) in die bedryfslisensiestrategie uiteensit hoe TCT van voorneme is om die bedryfslisensies wat deur die Stad as die munisipale regulatoriese entiteit vergun gaan word, te reguleer (en die Kommissaris sal verseker dat sodanige bedryfslisensiestrategie aan die Grondwet, die WNLV, die Wet op Munisipale Finansiële Bestuur, die Stelselwet en die GOP voldoen); en

- (iii) die Stad se vervoerinfrastruktuur en verwante fasiliteite sal ontwikkel en in stand hou; en
- (e) die GOVN insluit.
- (3) Die standaard waaraan elke funksie moet voldoen, soos na verwys in subartikel (2)(b), sal, vir sekere kwessies, met inbegrip van (sonder beperking) universele toegang, gespesialiseerde dienste, vrag en niegemotoriseerde vervoer, gelig word uit die sektorplanne wat deel van die IVP uitmaak.
- (4) Sonder om afbreuk te doen aan subartikels (1), (2) en (3), sal die Kommissaris 'n IVP vir elke vyfjaartydperk voorberei (waarvan die eerste vir die tydperk 2013 tot 2018 sal wees) en verseker dat elke sodanige IVP met die ooreenstemmende GOP vir die Stad in ooreenstemming gebring word.
- (5) Die Kommissaris sal gepaste middele daarstel en handhaaf om koppelvlakke tussen die beplanningsowerheidsfunksie en die munisipale regulatoriese entiteit te verseker ten opsigte van alle aangeleenthede wat verband hou met die beplanning van die GOVN en met alle tersaaklike verpligtinge wat onder die WNLV ressorteer, met insluiting van artikel 57 van die WNLV in die besonder.
- (6) Sonder om afbreuk te doen aan subartikel (5), sal die Kommissaris alle tersaaklike regulatoriese entiteite van kommentaar en direkteie voorsien ten opsigte van enige aansoek om die vergunning, hernuwing, wysiging of oordrag van 'n bedryfslisensie wat met die Stad en/of sy funksionele gebied (uitgesonder 'n toeristevervoerdienste of huurdiens, en uitgesonder 'n gekontrakteerde diens soos in artikel 56 van die WNLV beoog) ingevolge artikel 55 en ander tersaaklike bepalings van die WNLV verband hou.
- (7) Die Kommissaris sal, namens die Stad as beplanningsowerheid, reageer op alle grondgebruikaansoeke in die Stad wat potensieel 'n impak op vervoer en/of verkeer kan hê en in die besonder die mate waartoe hulle in ooreenstemming met die IVP is deur ag te slaan op hulle verbandhoudende impak op die verkeer en die bestuur van vervoeraanvraag en -koste sowel as deur te let op die toepassing van die ontwikkelingsbydraebeleid.
- (8) Die Kommissaris sal verantwoordelik wees vir die ontwikkeling, implementering en bestuur van die innovasiestategie en om die verbandhoudende noodsaaklikhede te ontwikkel wat sal verseker dat TCT aan die spits van gevorderde geïntegreerde vervoerstelsels staan ter bereiking van die doelwitte vir die vervoer van burgers wat die TCT se oorhoofse sakeplan, sowel as medium- en langtermyn- strategiese beplanning in alle funksies, ten grondslag lê.
- (9) Sonder om afbreuk te doen aan subartikel (8), sal die Kommissaris:
  - (a) daarvoor verantwoordelik wees om voortdurende vordering te toon tot die bereiking van die doelwit van geïntegreerde vervoerbestuur tot beter dienslewering aan die burgers van en besoekers aan die Stad; en

- (b) innovasies deur vervoerowerhede in ander regsgebiede gereeld onder oë neem om te verseker dat die Stad se vervoerstelsels en -dienste aan die hoogste heersende standarde voldoen.
- (10) Sonder om afbreuk te doen aan subartikel (1), sal die Kommissaris die intermodale beplanningskomitee en die adviesraad oor landvervoer van sodanige inligting, ontledings en advies voorsien as wat van tyd tot tyd benodig mag word.
- (11) Die Kommissaris sal, op 'n maandelikse basis, gepaste data in soverre dit sy aktiwiteite behorende onder hierdie funksie as beplanningsowerheid aan die funksie belas met prestasiemonitering en -evaluering voorsien.

#### **Kontrakterende owerheid**

- 4. (1) Die Kommissaris sal verantwoordelik wees vir die implementering van artikel 40 (integrasie van buskontrakstelsel by oorhoofse openbarevervoerstelsel), artikel 41 (onderhandelde kontrakte), artikel 42 (gesubsidieerde dienskontrakte), artikel 43 (kommersiële dienskontrakte), artikel 44 (voorskrifte om as tenderaar vir kommersiële of gesubsidieerde dienskontrakte te kwalifiseer), artikel 45 (betrokkenheid van munisipaliteite by openbare vervoerdienste) en artikel 46 (bestaande kontrakterende reëlins) van die WNLV, tesame met alle ander artikels van die WNLV wat van toepassing is op die aktiwiteite van 'n munisipaliteit as 'n kontrakterende owerheid (soos omskryf in die WNLV).
- (2) Sonder om afbreuk te doen aan subartikel (1), sal die Kommissaris:
  - (a) met verwysing na die IVP (met inbegrip van die GOVN), die standarde, bedryfsparameters, diensspesifikasies (met inbegrip van voorsiening vir die herstel, instandhouding en vervanging van vervoerbates wat deur of namens verskaffers van openbarevervoerdienste voorsien word), tariewe, onderworpe aan artikel 7(1)(c), betalingstelsels en die koppelvlak tussen die operateurs en die Stad se vervoernetwerk daarstel vir alle kontrakte wat deur die Stad as die kontrakterende owerhede ingevolge die WNLV aangegaan en bestuur gaan word;
  - (b) die kontrakdokumentasie vir alle kontrakte waarna in subartikel (2)(a) verwys word, voorberei en in stand hou en die proses administreer om verskaffers van openbarevervoerdienste, tesame met sodanige ondersteunende diensverskaffers, vir sodanige kontrakte aan te stel ten einde (sonder beperking) dienste soos nodig of wenslik ten opsigte van monitering, inligtingsbestuur, fasiliteitebestuur, reklame en die geoutomatiseerde inning van reisgeld te verskaf;
  - (c) 'n stelsel vir die monitering van dienslewering en prestasiestandaarde wat verband hou met die kontrakte waarna in subartikel (2)(a) verwys word, daarstel en in stand hou; en
  - (d) besonderhede oor die prestasie van alle verskaffers van openbarevervoerdienste onder die kontrakte waarna in subartikel 2(a)



verwys word aan die funksie belas met prestasiemonitering en -evaluering verskaf.

- (3) Die Kommissaris sal verantwoordelik wees vir die monitering van:
  - (a) die instandhouding en veiligheidstandaarde van alle geskeduleerde openbarevervoervoertuie (ongeach of sodanige voertuie deur die Stad besit word of nie); en
  - (b) nakoming deur die operateurs van sodanige geskeduleerde openbarevervoervoertuie ten opsigte van enige kwalifikasies, lisensies en sertifikate wat deur die bestuurders van sulke voertuie benodig word,in elke geval ooreenkomstig alle toepaslike wette en enige kontrakte wat aan sodanige operateurs van sodanige geskeduleerde openbarevervoervoertuie deur die Kommissaris namens die Stad toegeken is.
- (4) Die Kommissaris sal doeltreffende en doelmatige finansiële bestuur verseker en ondersteuning met die bestuur van subsidies verskaf, met inbegrip van (maar sonder beperking) deur:
  - (a) kontrakeise te verwerk;
  - (b) eise op die stelsel vir die bestuur van subsidies in te voer;
  - (c) finansiële dokumente vir betalings te voltooi;
  - (d) met operateurs ten opsigte van betaling te kommunikeer; en
  - (e) weeklikse en maandelikse uitgaweverslae te verskaf.
- (5) Die Kommissaris sal verseker dat die Stad te alle tye aan die Wet op Inkomste Verdeling, 2009 (Wet 12 van 2009) se vereistes ten opsigte van verslagdoening en inligting voldoen.
- (6) Die Kommissaris sal gepaste middele daarstel en in stand hou om 'n koppelvlak tussen die Stad se funksie as kontrakterende owerheid en die stad se funksie as beplanningsowerheid en munisipale regulatoriese entiteit onderskeidelik ten opsigte van die GOVN en alle tersaaklike verpligtinge onder die WNLV te verseker.
- (7) Die Kommissaris sal, op 'n maandelikse basis, gepaste data in soverre dit sy aktiwiteite behorende onder hierdie funksie as kontrakterende owerheid aan die funksie belas met prestasiemonitering en -evaluering voorsien.

#### **Munisipale regulatoriese entiteit**

5. (1) Die Kommissaris sal verantwoordelik wees vir die implementering van artikels 17 tot 19 (inklusief) en artikels 47 tot 84 (inklusief) van die WNLV, tesame met alle ander afdelings van die WNLV wat betrekking het op die aktiwiteite van 'n munisipaliteit as 'n regulatoriese entiteit (soos omskryf in die WNLV).

- (2) Sonder om afbreuk te doen aan subartikel (1), sal die Kommissaris verantwoordelik wees vir die bedryfslisensies vir daardie persone wat 'n intraprovinsiale diens wil onderneem wat óf in die Stad plaasvind óf die Stad as vertrekpunt het en ook in die gebied van 'n ander munisipaliteit plaasvind, soos in artikel 54(2) van die WNLV beoog.
- (3) Sonder om afbreuk te doen aan subartikel (1), sal die Kommissaris vir die gladde verloop van daaglikse bedrywighede in alle bedryfsgebiede verantwoordelik wees, met inbegrip van bestaande funksies van landvervoer en spoorvervoer (hoofsaaklik busse, minibustaxi's en treine) en die veiligheid en sekuriteit van openbare vervoer.
- (4) Die MRE sal (sonder beperking) die volgende funksies namens die munisipaliteit, as die munisipale regulatoriese entiteit vir die Stad, vervul:
  - (a) die vergunning, oordrag, wysiging en hernuwing van bedryfslisensies;
  - (b) die wysiging van bedryfslisensies wat uit die vervanging van 'n voertuig voortspruit;
  - (c) die tydelike vervanging van 'n voertuig op 'n bedryfslisensie;
  - (d) die omskakeling van permitte na bedryfslisensies;
  - (e) die duplisering van bedryfslisensies;
  - (f) die voorsiening van tydelike permitte vir spesiale geleenthede;
  - (g) die terugtrekking, opskorting of wysiging van 'n bedryfslisensie; en
  - (h) die oplegging van wetstoepassingsparameters en strawwe, waarby (sonder beperking) ingesluit om openbarevervoervoertuie en hulle verwante sertifisering gepas te inspekteer,

en (onderworpe aan subartikel (5)) sal die Kommissaris namens die munisipaliteit, as munisipale regulatoriese owerheid vir die Stad, sodanige funksies ooreenkomstig die vereistes, opmerkings en aanwysings van die beplanningsowerheid en, in die besonder, die bedryfslisensiestrategie, en nie strydig met enige beleid van die Raad nie, verrig.
- (5) Ten einde sodanige funksies te verrig as waarna in subartikel (4) verwys word, sal die Raad 'n MRE-komitee aanstel wat uit 'n minimum van drie persone (met inbegrip van die voorsitter) met 'n reeks gepaste vaardighede sal bestaan.
- (6) Die besluite van die MRE-komitee in die uitoefening van sodanige funksies as waarna in subartikel (4) verwys word, sal onafhanklik van die Raad wees.
- (7) Alle appèlle teen of in verband met enige besluit wat deur die MRE-komitee geneem is in die uitoefening van die funksies waarna in subartikel (4) verwys word, sal ingevolge artikel 92 van die WNLV in die Vervoerappèltribunaal geskied.

- (8) Die Kommissaris sal verseker dat die MRE-komitee:
  - (a) sodanige prosedures ter uitvoering van sy funksies sal volg as wat van tyd tot tyd deur die Raad gespesifiseer word;
  - (b) bygewerkte rekords van die uitoefening van sodanige funksies as waarna in subartikel (4) verwys word op die administratiewe stelsel vir bedryfslisensies byhou;
  - (c) met tussenpose, soos deur die Raad verlang, aan die Raad oor die uitoefening van sodanige funksies verslag doen; en
  - (d) met tussenpose, soos die Raad nodig mag ag, gepaste besonderhede oor die uitoefening van sodanige funksies op die TCT se webwerf publiseer.
- (9) Sonder om afbreuk te doen aan subartikel (1) en onderworpe aan enige beperking of vereiste wat regtens opgelê of gestel word, kan die Kommissaris, indien hy of sy dit nodig ag, inligting oor die volgende by die stelsel vir die administrasie van bedryfslisensies insluit:
  - (a) besonderhede van operatorsverenigings en hulle lede;
  - (b) besonderhede van nielede; en
  - (c) waar gepas, besonderhede van die roetes wat deur operatorsverenigings en nielede bedryf word en die beskrywing van watter roetes met daardie in die IVP moet ooreenstem.
- (10) Die Kommissaris sal die inligting waarna in subartikel (9) verwys word, tesame met die IVP en GOVN, gebruik om die operatorsverenigings te bestuur op 'n wyse wat deur die TCT as gepas geag word.
- (11) Die Kommissaris sal, op 'n maandelikse basis, gepaste data in soverre dit sy aktiwiteite behorende onder hierdie funksie as munisipale regulatoriese entiteit aan die funksie belas met prestasiemonitering en -evaluering voorsien.

### **Prestasiemonitering en -evaluering**

6. (1) Die Kommissaris sal verantwoordelik wees vir die daarstelling, bestuur en instandhouding van 'n sentrale stelsel vir die samevoeging van inligting en data vanaf al die funksies en sal koppelvlakke tussen sodanige funksies ondersteun.
- (2) Die Kommissaris sal verantwoordelik wees vir die samevoeging, instandhouding en vervanging van data en die instandhouding, opgradering en vervanging van die inligtingstelsels en -tegnologie wat in alle gevalle al die funksies ondersteun.
- (3) Die Kommissaris sal:
  - (a) verantwoordelik wees vir die skep en instandhouding van 'n webwerf vir TCT wat al die funksies omvat;

- (b) onderworpe aan voorafgoedkeuring deur die Raad, op 'n kwartaallikse grondslag besonderhede oor die prestasie van TCT teen sy teikens oor alle funksies heen op sodanige webwerf publiseer;
  - (c) onderworpe aan vooraf goedkeuring deur die Raad ten opsigte van die vlak en formaat van besonderhede, besonderhede oor die prestasie van alle verskaffers van openbarevervoerdienste onder die kontrakte waarna in artikel 4(2)(a) verwys word, publiseer met sodanige tussenpose as wat die Kommissaris van tyd tot tyd nodig mag ag (en geen verdere goedkeuring van die Raad sal verlang word vir elke sodanige publikasie van sodanige besonderhede oor prestasie nie, met dien verstande dat die publikasie voldoen aan die vlak en formaat van besonderhede soos deur die Raad goedgekeur); en
  - (d) 'n databasis van alle belanghebbers, tesame met gepaste fora, verskaf ten einde skakeling met hom of haar oor vervoerverwante aangeleenthede moontlik te maak.
- (4) Die Kommissaris sal skakels met die datastelle binne ander direktorate van die Stad skep en sal alle data oor vervoergebruik saamvoeg en in stand hou ten einde te voldoen aan die Stad se verpligtinge wat kragtens hierdie artikel 6 opgelê is.
- (5) Sonder om afbreuk te doen aan die voorafgaande subartikels van hierdie artikel 6, sal die Kommissaris alle vervoerskemas aanteken ten einde die TCT in staat te stel om op 'n doeltreffende en doelmatige wyse op navrae te reageer.
- (6) (a) Die Kommissaris sal, so gou moontlik ná afloop van elke boekjaar, 'n verslag oor die prestasie van TCT gedurende daardie boekjaar publiseer vir insluiting as 'n afsonderlike hoofstuk in die Raad se jaarverslag.
- (b) Sodanige verslag as waarna in subartikel (6)(a) verwys word, sal besonderhede rakende die volgende uiteensit:
- (i) die bydrae wat TCT ten opsigte van die implementering van die GOP gemaak het;
  - (ii) die prestasie van TCT teen die IVP; en
  - (iii) die prestasie van TCT teen sy teikens oor alle funksies heen en, in die besonder, die prestasie van die munisipale landvervoerfonds gedurende daardie boekjaar.
- (c) Sodanige verslag as waarna in subartikel (6)(a) verwys word, sal sodanige inligting insluit as wat van tyd tot tyd skriftelik deur die Uitvoerende Burgemeester gespesifiseer kan word ten opsigte van enige aangeleentheid waaroor die verslag uit hoofde van subartikel (6)(b) moet handel.

- (d) Die Kommissaris sal sorg dat 'n afskrif van enige verslag wat onder hierdie subartikel (6) voorgelê word vir 'n gepaste tydperk binne redelike ure by die munisipaliteit se vernaamste kantore ter insae van enige persoon lê.
- (e) Die Kommissaris sal op versoek gedurende die gepaste tydperk, en by betaling van 'n redelike bedrag wat deur hom of haar bepaal kan word, 'n afskrif van enige sodanige verslag wat onder hierdie subartikel (7) voorgelê word, of enige gedeelte van sodanige verslag, aan enige persoon beskikbaar stel.
- (f) Die "gepaste tydperk" in die geval van 'n verslag wat kragtens hierdie subartikel (6) voorgelê word, is die tydperk van drie jaar beginnende by die datum van publikasie van sodanige verslag.
- (7) Sonder om afbreuk te doen aan die voorafgaande subartikels van hierdie artikel 6, sal die Kommissaris 'n elektroniese, gesentraliseerde kennisbestuurstelsel daarstel ten einde 'n rekord te hou van alle historiese vervoerinligting en -publikasies met die oog daarop om 'n enkele verwysingspunt daar te stel.

#### **Finansiële bestuur**

- 7. (1) Die Kommissaris sal verantwoordelik wees vir die implementering van artikel 27 (munisipale landvervoerfonds), artikel 28 (openbarevervoer-gebruikerheffings), artikel 29 (minister mag fondse vir landvervoer voorsien) en artikel 30 (LUR mag fondse vir landvervoer voorsien) van die WNLV.
- (2) Sonder om afbreuk te doen aan subartikel (1), sal die Kommissaris (altdy onderworpe aan die Wet op Munisipale Finansiële Bestuur) verantwoordelik wees vir alle finansiële aangeleenthede oor al die funksies heen.
- (3) Sonder om afbreuk te doen aan subartikel (2), sal die Kommissaris (altdy onderworpe aan die Wet op Munisipale Finansiële Bestuur):
  - (a) verantwoordelik wees vir die bedryf van 'n geïntegreerde finansiële bestuurstelsel en enige ander soortgelyke verbeterings wat hy of sy nodig en haalbaar mag ag;
  - (b) verantwoordelik wees vir die oorhoofse koördinasie van die begrotingsproses vir TCT en om aanbevelings aan die tersaaklike portefeuljekomitee en/of begrotingreëlingskomitee te maak vir voorlegging aan die Raad as deel van die Raad se oorhoofse begrotingsproses, waarvan almal ooreenkomstig die Raad se voorgeskrewe prosedures en die Wet op Munisipale Finansiële Bestuur sal wees;
  - (c) tariewe ten opsigte van openbare vervoer en vervoerinfrastruktuur, -fasiliteite en -dienste aan die Raad vir goedkeuring voorstel, nadat die Kommissaris eers die gepaste vlak van sodanige tariewe geëvalueer het aan die hand van 'n koste-voordeelontleding deur al die tersaaklike funksies binne die parameters van die munisipale landvervoerfonds waarna in subartikel (4) verwys word;

- (d) sodanige internasionale, nasionale of provinsiale toekennings fasiliteer as wat gepas mag wees om die uitvoering van die funksies te ondersteun en sal verantwoordelik wees vir die bestuur van sodanige toekennings binne die parameters van die munisipale landvervoerfonds waarna in subartikel (4) verwys word;
  - (e) verantwoordelik wees vir die kosteberekening van alle beleggings ooreenkomstig die Raad se visie vir vervoer in die Stad soos van tyd tot tyd in die IVP verwoord en, in die besonder, vir die kosteberekening van alle groot projekte en programme wat deel uitmaak van die IVP deur na behore ag te slaan op beide die koste van aanvanklike belegging en die behoefte aan langtermyn-instandhouding en fasiliteitebestuur waar gepas;
  - (f) verantwoordelik wees vir alle aktiwiteite wat inkomste voortbring oor al die funksies heen en, in die besonder, ten opsigte van alle aspekte verwant aan kaartjie-uitreiking, met inbegrip van:
    - (i) die ontwikkeling en implementering van 'n geïntegreerde kaartjie-uitreikingstelsel vir openbare vervoer, met inbegrip van (sonder beperking) die EMV-kaart (Europay, Mastercard en VISA) en faktureringstelsel, sowel as (sonder beperking) vir parkering, parkeer-en-ry, "dial-a-ride", geleentheidsbestuur, gespesialiseerde dienste en fietsverhuringsdienste; en
    - (ii) die daarstelling, ontplooiing en bestuur van die geoutomatiseerde stelsel vir die vordering van reisgeld;
  - (g) verantwoordelik wees om oor alle funksies heen eerlikheid ten opsigte van kontrakterende en verkrygingsaktiwiteite te waarborg; en
  - (h) voortdurend daarna streef om alle terreine van interbedryfbaarheid en die doeltreffendheid, doelmatigheid en ekonomiese haalbaarheid van vervoer en verwante infrastruktuur te verbeter tot voordeel van die burgers van en besoekers aan die Stad.
- (4) Sonder om afbreuk te doen aan subartikels (1), (2) of (3), sal die Kommissaris daarvoor verantwoordelik wees om 'n munisipale landvervoerfonds kragtens artikels 27 en 28 van die WNLV in te stel en in stand te hou.
- (5) Die Kommissaris sal, op 'n maandelikse basis, gepaste data in soverre dit sy aktiwiteite behorende onder hierdie finansiële bestuursfunksie (insluitende ten opsigte van kaartjie-uitreiking in die besonder) aan die funksie belas met prestasiemonitering en -evaluering voorsien.
- (6) Behoudende die voorafgaande subartikels van hierdie artikel 7 en altyd onderworpe aan die Wet op Munisipale Finansiële Bestuur, sal die Kommissaris die direkteur van die finansiële bestuursfunksie aanstel ten einde te verseker dat die TCT se finansiële sake na behore geadministreer word, ter nakoming van alle tersaaklike professionele gedragskodes, alle statutêre verpligtinge en volgens die Raad se voorgeskrewe prosedures.

### **Wetstoepassing ten opsigte van openbare vervoer**

- 8.** (1) Die Kommissaris sal verantwoordelik wees vir die implementering van artikels 85 tot 91 (inklusief) van die WNLV.
- (2) Sonder om afbreuk te doen aan subartikel (1), sal die Kommissaris daarvoor verantwoordelik wees om die Wet op Nasionale Padvervoer af te dwing in soverre dit met wetstoepassing ten opsigte van openbare vervoer verband hou.
- (3) Sonder om afbreuk te doen aan subartikels (1) of (2), sal die Kommissaris daarvoor verantwoordelik wees om veiligheid ten opsigte van die gebruik van die Stad se openbarevervoernetwerk en verwante infrastruktuur en fasiliteite af te dwing.
- (4) Die Kommissaris sal gepas gebruik maak van die TMC en TIC en verwante tegnologie, en sal saam met ander tersaaklike agentskappe en belanghebbers werk ten einde TCT se verantwoordelikhede ten opsigte van hierdie artikel 8 na te kom.
- (5) TCT sal ooreenkomstig sy strategie vir wetstoepassing en veiligheid in openbarevervoerverband sodanige verkeersbestuur- en wetstoepassingsdienste voorsien soos van tyd tot tyd deur die Raad bepaal.
- (6) Die kommissaris sal, op 'n maandelikse basis, gepaste data in soverre dit sy aktiwiteite behorende onder hierdie funksie verwant aan wetstoepassing ten opsigte van openbarevervoer aan die funksie belas met prestasiemonitering en -evaluering voorsien.

### **Skakeling, kommunikasie en belanghebberbestuur**

- 9.** (1) Die Kommissaris sal prosedures en bestuurspraktyke daarstel en in stand hou ten einde doeltreffende en doelmatige kommunikasie met alle geïdentifiseerde belanghebbers te verseker.
- (2) Die Kommissaris sal by die prosedures en bestuurspraktyke waarna in subartikel (1) verwys word gepaste inisiatiewe insluit om suksesvolle en volhoubare bedryfstransisie en -bemagtiging te verseker ooreenkomstig parameters wat van tyd tot tyd deur die Raad geïdentifiseer word.
- (3) Die Kommissaris sal verantwoordelik wees vir die interne en eksterne bemarking van TCT ten einde te verseker dat die burgers van en besoekers aan Kaapstad goed ingelig en tevrede is, soos gemeet deur 'n program van deurlopende monitering van klanttevredenheid, met inbegrip van (sonder beperking) gereedlik beskikbare openbare inligting oor prestasie teen teikens en diensvlakke wat deur die funksie vir monitering en evaluering gepubliseer is.

- (4) Die Kommissaris sal (om maar 'n paar kommunikasiemiddele te noem) deur die TIC met die publiek ten opsigte van bedryfsaangeleenthede verwant aan openbare vervoer kommunikeer en skakel.
- (5) Die Kommissaris sal die burgemeesterskomiteelid vir TCT, na gelang van sy of haar behoefte, van hulp wees ten opsigte van enige skakeling met die media.
- (6) Die Kommissaris sal, namens die Raad, enige sodanige aktes van ooreenkoms met vervoerbelanghebbers, met inbegrip van (sonder beperking) operatorsverenigings, groepe wat mense met spesiale behoeftes verteenwoordig en opvoedkundige forums, aangaan, onderworpe daaraan dat die nodige magtiging verkry is.
- (7)
  - (a) Sonder om afbreuk te doen aan enige ander subartikel in hierdie artikel 9, sal die Kommissaris, deur gebruik te maak van die webwerf, databasis en ander fora vir kommunikasie met belanghebbers waarna in subartikel 6(3) verwys word, sodanige inligting as wat nodig mag wees, beskikbaar stel wat:
    - (i) verband hou met openbarepassasiersvervoerdienste wat tot voordeel van die burgers van en besoekers aan die Stad voorsien word; en
    - (ii) deur lede van die algemene publiek benodig word sodat hulle kan besluit tot watter mate om van sodanige dienste gebruik te maak.
  - (b) Sodanige inligting as waarna in subartikel (7)(a) verwys word, sal ooreenkomstig die bepalings van die Munisipale Stelselwet beskikbaar gestel word aan:
    - (i) die algemene publiek; en
    - (ii) sodanige ander persone as wat die Kommissaris nodig mag ag.
  - (c) Die Kommissaris kan, ooreenkomstig die Raad se goedgekeurde tariewe, sodanige heffings oplê vir enige inligting wat deur TCT beskikbaar gestel word, maar geen sodanige heffings mag opgelê word indien die inligting met openbarepassasiersvervoerdienste verband hou wat eksklusief deur TCT voorsien word nie.
- (8) Die Kommissaris sal:
  - (a) namens die Raad, 'n intermodale beplanningskomitee instel ooreenkomstig artikel 15 van die WNLV ten einde openbare vervoer tussen modusse te koördineer met die oog daarop om die doelwitte van die WNLV te behaal; en
  - (b) as voorsitter vir die intermodale beplanningskomitee optree en verseker dat die lidmaatskap van die intermodale beplanningskomitee aan artikel 15(1) van die WNLV voldoen;



- (c) verseker dat die intermodale beplanningskomitee gereeld verslag doen aan en oorleg pleeg met die adviesraad oor landvervoer (en die Kommissaris sal aan die Raad verslag doen mits en indien die aangeleenthede waaroor op hierdie manier verslag gedoen word met die aktiwiteite van TCT verband hou);
  - (d) verseker dat die intermodale beplanningskomitee voldoen aan alle regulasies ten opsigte van sy funksies, lidmaatskap en bedrywighede wat dalk ingevolge die WNLV moet wees;
  - (e) sonder om afbreuk te doen aan die voorafgaande bepalings van hierdie subartikel (8), verseker dat die intermodale beplanningskomitee insette en leiding koördineer in soverre dit die holistiese integrasie betref van:
    - (i) passasierspoordienste in die funksionele gebied met padgebaseerde openbarevervoerdienste;
    - (ii) geskeduleerde dienste, minibustaxi-tipe-dienste en ongeskeduleerde dienste in die funksionele gebied met mekaar en met ander openbarevervoermodusse;
    - (iii) alle aspekte van die IVP ten einde te verseker dat die optimale gebruik van infrastruktuur en dienste binne die stelsel en optimale benutting en prioritisering van fondse, met inbegrip van vragvervoer en niegemotoriseerde vervoer, behaal word; en
    - (iv) die rolle, verantwoordelikhede en onderlinge verwantskappe van alle tersaaklike vervoerbelanghebbers, met inbegrip van (sonder beperking) gemeenskapsvervoerfora, die handel, openbarevervoeroperateurs en arbeid; en
  - (f) verseker dat die intermodale beplanningskomitee sodanige subkomitees instel, wat uit wetstoepassingssubkomitees vir spoor-, bus-, taxi- en landvervoer kan bestaan, as wat die intermodale beplanningskomitee nodig mag ag.
- (9) Die Kommissaris sal:
- (a) namens die Raad, die adviesraad oor landvervoer instel ooreenkomstig artikel 16 van die WNLV met verteenwoordiging deur die staat- en privaatsektor om die Raad van advies ten opsigte van aangeleenthede verwant aan landvervoer te bedien;
  - (b) verseker dat die adviesraad oor landvervoer voldoen aan enige regulasies wat van tyd tot tyd deur die minister verantwoordelik vir vervoer in die nasionale regeringsfeer onder artikel 16(2) van die WNLV ten opsigte van lidmaatskap van die adviesraad oor landvervoer, die aanstelling en kwalifikasies van lede, prosedures en frekwensie van vergaderings, en verwante aangeleenthede uitgevaardig word;

- (c) vereis dat die adviesraad oor landvervoer:
  - (i) insette vanaf die intermodale beplanningskomitee ontvang; en
  - (ii) strategiese beleidsaanbevelings aan die Raad en ander tersaaklike besluitnemingsliggame maak ten opsigte van aangeleenthede verwant aan geïntegreerde landvervoer soos na in subartikels (8)(e) en (f) verwys,

waarvan almal ter bevordering van geïntegreerde vervoer in die Stad sal wees.
- (10) Die burgemeesterskomiteelid vir TCT sal as voorsitter vir die adviesraad oor landvervoer dien en die voorsitter van die TCT-portefeuljekomitee sal as ondervoorsitter vir die adviesraad oor landvervoer dien.
- (11) Die Kommissaris sal alle nodige stappe neem om TCT se handelsmerk en sy ondersteunende logo's en argitektuur te ontwikkel en te ontplooi met die bedoeling dat TCT die Raad se visie van TCT oor alle die funksies heen ten volle sal ondersteun.

#### **Infrastruktuurbestuur**

- 10.** (1) Die Kommissaris sal verantwoordelik wees vir die beplanning, ontwerp, kosteberekening, konstruksie, instandhouding, vervanging, uitbreiding en opgradering van die Stad se paaïenewerk, die openbarevervoernetwerk en openbarevervoerinfrastruktuur, die stormwaternetwerk, stormwaterinfrastruktuur, seewerings en verwante fasiliteite.
- (2) Die Kommissaris sal verantwoordelik wees vir en sal al die funksies van die padowerheid onder die Ordonnansie op Paaie verrig vir alle openbare paaie en openbare voetpaaie (namate sodanige openbare paaie en openbare voetpaaie in die Ordonnansie op Paaie omskryf word) in die Stad en sal, tot die mate waartoe dit nodig is, verdere aansoeke onder die Ordonnansie op Paaie rig ten einde sodanige verantwoordelikheid te aanvaar.
- (3) Die Kommissaris sal 'n bateregister ten opsigte van die Stad se paaïenewerk, die openbarevervoernetwerk en openbarevervoerinfrastruktuur en verwante fasiliteite waarna in subartikel (1) verwys word, daarstel, bestuur en in stand hou.
- (4) In die besonder sal die Kommissaris verseker dat die bateregister waarna in subartikel (3) verwys word, rekord van die volgende inligting hou:
  - (a) die ligging van die bates waarna in subartikel (3) verwys word;
  - (b) die klassifikasie en omskrywing van sodanige bates;
  - (c) die ouderdom van sodanige bates;

- (d) die lewensikluskoste vir die instandhouding van sodanige bates en, in die besonder, die koste verbonde aan die uitstel van die instandhouding van sodanige bates; en
  - (e) die kwantifisering van sodanige bates en die finansiële waarde van sodanige bates.
- (5) Wanneer besluite geneem word oor die instandhouding van die bates waarna in subartikel (4) verwys word, sal die Kommissaris 'n gepaste balans vind tussen beplande en reaktiewe instandhouding ten einde die langtermyn- en kostedoeltreffende volhoubaarheid van sodanige bates te verseker, sowel as gepaste sakebeplanningsscenario's ter ondersteuning van besluite wat deur die Kommissaris geneem word om strategies in sodanige bates te belê wat deur hom of haar as van uiterste belang beskou word.
- (6) Die Kommissaris sal, op 'n maandelikse basis, gepaste data in soverre dit sy aktiwiteite behorende onder hierdie funksie verwant aan infrastruktuurbestuur aan die funksie belas met prestasiemonitering en -evaluering voorsien.

#### **Netwerkbedryfsbestuur**

- 11.** (1) Die Kommissaris sal verantwoordelik wees vir die beplanning, ontwerp, kosteberekening en bedryf van asook toesig oor alle aktiwiteite op die geïntegreerde vervoernetwerk en verwante infrastruktuur en fasiliteite in die Stad (en in die besonder die GOVN), met inbegrip van (sonder beperking) die bedryf van:
- (a) die verkeersinjaleringstelsels;
  - (b) die bus- en minibus-taxi- (BMT) lane;
  - (c) die verkeersbestuurkameras;
  - (d) parkeringsbestuur;
  - (e) die snelwegbestuurstelsel;
  - (f) vervoerplanne ten opsigte van geleentheidsbestuur;
  - (g) prosedures vir abnormale vragte en die vervoer van gevaarlike goedere;
  - (h) die bestuur van die TMC en die TIC;
  - (i) kommunikasiestelsels, die omvattende databank en TCT se inligtingstelsels en -tegnologie, waarvan alles by die TMC gehuisves en bestuur sal word;
  - (j) kommunikasiefasiliteite by alle vername openbarevervoerfasiliteite, interseksies en op die geïntegreerde vervoernetwerk en verwant aan infrastruktuur en fasiliteite;
  - (k) die geïntegreerde tydrooster vir alle openbarevervoerdienste;

- (l) padsluitings; en
  - (m) die vergunning van deurgangsregte.
- (2) Die Kommissaris sal, op 'n maandelikse basis, gepaste data in soverre dit sy aktiwiteite behorende onder hierdie funksie verwant aan netwerkbedryfsbestuur aan die funksie belas met prestasiemonitering en -evaluering voorsien.

## DIVERSE

### Algemene funksies van TCT

- 12.** (1) Die Kommissaris kan die uitvoering van enige ander aktiwiteite wat hy of sy gemagtig is om uit te voer, bevorder en administreer, ongeag of sodanige magtiging statutêr of deur hierdie verordening verleen of deur die Raad gedelegeer is en, tot die mate regtens vergun, sal die Kommissaris daarop geregtig wees om sodanige personeel, agente en kontrakteurs aan te stel as wat hy of sy nodig mag ag en/of wat van die Raad verwag word om aan te stel ten einde sodanige aktiwiteite uit te voer as waartoe die Kommissaris gemagtig is.
- (2) Die Kommissaris kan enige ooreenkoms, onderworpe aan die verkryging van die nodige magtiging, met enige persoon aangaan en uitvoer vir uitvoering deur daardie persoon, hetsy as agent vir TCT of andersins, van enige aktiwiteite wat die Kommissaris gemagtig is om uit te voer (en, in die besonder, ten opsigte van die voorsiening of finansiering van enige dienste vir openbarepassasiersvervoer wat TCT gemagtig is om te verskaf) onderworpe daaraan dat die voorgeskrewe prosesse gevolg word.
- (3) Tot die mate waartoe dit regtens toegelaat word, sal dit binne die kapasiteit van die Kommissaris wees om sodanige dinge te doen en sodanige transaksies aan te gaan as wat na raming die vervulling van enige van TCT se funksies sal fasiliteer, of bevorderlik daarvoor sal wees of daarmee gepaard gaan, onderworpe daaraan dat die nodige magtiging verkry word.

### Ooreenkomste met die provinsie en aangrensende munisipaliteite

- 13.** Onderworpe aan vooraf goedkeuring deur die Raad, kan die Kommissaris ooreenkomstig artikel 12 van die WNLV enige sodanige reëlins met die provinsie of aangrensende munisipaliteite aangaan en, kragtens artikel 19 van die WNLV, enige sodanige reëlins as wat TCT nodig mag ag.

### Korttitel

- 14.** Hierdie verordening staan bekend as Stad Kaapstad: Verordening op die samestelling van Vervoer vir Kaapstad (TCT), 2013

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**CORRECTION NOTICE**

The City of Cape Town: Constitution of Transport for Cape Town By-law, 2013, as published in Provincial Gazette 7208 dated 6 December 2013, is hereby corrected as follows in the Afrikaans version:

1. In the Table of Contents:  
'the numbers 15 to 28 are hereby replaced by numbers 1 to 14'; and
2. In the Definitions section, the definition of 'funksie' is hereby renumbered as follows:  
**"funksie"** enige van die volgende funksies wat deur TCT verrig word (namate die konteks mag bepaal):
  - (a) beplanningsowerheid;
  - (b) kontrakterende owerheid;
  - (c) munisipale regulatoriese entiteit;
  - (d) prestasiemonitering en—evaluerend;
  - (e) finansiële bestuur;
  - (f) wetstoepassing ten opsigte van openbare vervoer;
  - (g) skakeling, kommunikasie en belanghebbende bestuur;
  - (h) infrastruktuurbestuur; en
  - (i) netwerkbedryfsbestuur;

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**ISAZISO SOKULUNGISWA**

UMthetho kaMasipala wesiXeko saseKapa ongoBume/ongesakheko sezoThutho lwaseKapa wango-2013, njengoko ubhengezwe kwiGazethi yeP-hondo engu-7208 ebhalwe owe-6 Disemba 2013, ke ngoko uye walungiswa walungiswa ngolu hlobo lulandelayo kwinguqulelo yesiBhulu:

1. KwiTafle yeZiqulatho:  
'inombolo ukususela kwi-15 ukuya kuma-28 zithathelwa indawo ziinombolo ukususela kweyo-1 ukuya kweye-14'; kwakhona
2. Kwicandelo leenkcwazi, inkcwazi ye-'funksie' iye yanikwa inombolo ngokutsha ngolu hlobo lulandelayo:  
**"funksie"** enige van die volgende funksies wat deur TCT verrig word (namate die konteks mag bepaal):
  - (a) beplanningsowerheid;
  - (b) kontrakterende owerheid;
  - (c) munisipale regulatoriese entiteit;
  - (d) prestasiemonitering en—evaluerend;
  - (e) finansiële bestuur;
  - (f) wetstoepassing ten opsigte van openbare vervoer;
  - (g) skakeling, kommunikasie en belanghebbende bestuur;
  - (h) infrastruktuurbestuur; en
  - (i) netwerkbedryfsbestuur;

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**REGSTELLINGSKENNISGEWING**

Die Stad Kaapstad: Verordening op die Samestelling van Vervoer vir Kaapstad, 2013, soos gepubliseer in Provinsiale Staatskoerant 7208 van 6 Desember 2013, word hiermee soos volg reggestel wat die Afrikaanse weergawe betref:

1. In die inhoudsopgawe:  
"die getalle 15 tot 28 word hiermee deur getalle 1 tot 14 vervang"; en
2. In die omskrywingsgedeelte word die omskrywing van "funksie" hiermee soos volg oorgenoem:  
**"funksie"** enige van die volgende funksies wat deur TCT verrig word (namate die konteks mag bepaal):
  - (a) beplanningsowerheid;
  - (b) kontrakterende owerheid;
  - (c) munisipale regulatoriese entiteit;
  - (d) prestasiemonitering en—evaluerend;
  - (e) finansiële bestuur;
  - (f) wetstoepassing ten opsigte van openbare vervoer;
  - (g) skakeling, kommunikasie en belanghebbende bestuur;
  - (h) infrastruktuurbestuur; en
  - (i) netwerkbedryfsbestuur;

## ISIXEKO SASEKAPA

UBUME/ISAKHEKO SEZOTHUTHO  
LWASEKAPA NGOKOMTHETHO KAMASIPALA,  
2013

WAPHUNYEZWA LIBHUNGA: 28 AGASTI 2013

C [22/08/13]

**Itshayelelo**

**NJENGOKUBA** icandelo 156(2) loMgaqo-siseko umisela ukuba uMasipala unakho ukumisela nokulawula imithetho kamasipala kulungiselelwa ulawulo lwemicimbi enelungelo lokuyilawula;

**NJENGOKUBA** ukwabelwa koxanduva lwemicimbi yezithuthi ezihamba emhlabeni kwisiXeko lwalufudula kusabelwa ngalo phakathi kwesiXeko, iPhondo neSebe lezoThutho;

**NJENGOKUBA** ngokungqinelana necandelo le-11 le-NLTA, uMasipala usenokuba nayo imisebenzi eyabelwe yena;

**NJENGOKUBA** ukuze kuqhutywe imisebenzi yakhe yezothutho (kuqukwa nayiphi eminye imisebenzi enokwabelwa kuye) ngokukuko, isiXeko sinqwenela ukumisela ugunyaziwe omtsha wezothutho kwisiXeko njengeqela elilawulayo nalapho yonke imisebenzi yezothutho iya kuthelekiswa nayo ngenjongo yokuququzelela inkqubo yezothutho ehlangeneyo ngenjongo yokuzuzisa abahlali neendwendwe zesiXeko;

**NJENGOKUBA** lo gunyaziwe omtsha wezothutho eya kuba yi-TCT yaye imisebenzi yakhe iya kuchazwa kulo Mthetho kaMasipala;

**NJENGOKUBA** ngokuphendula kwiimfuno ze-NLTA, kuyimfuneko ukuba isiXeko siphucule ubonelelo lweenkonzo zothutho kunye nokumisela imigangatho eya kutshintsha indlela iziseko zophuhliso zothutho, iinkonzo, imisebenzi neenkqubo ezimisela nezilawulwa ngayo;

**NJENGOKUBA** isiXeko sinokusebenzisa amagunya aso ngokwemigaqo yecandelo le-12 nele-19 ngokulandelelana kwayo ye-NLTA, imiqathango efanelekileyo yoMmiselo wezeNdlela, uMthetho olawula iZithuthi zeNdlela kuZwelonke kunye noMthetho weZothutho eziDolophini, nayo nayiphi eminye imithetho yezothutho efanelekileyo; yaye

**NJENGOKUBA** i-TCT iya kuba ngumbutho apho imiselwa khona imisebenzi yesiXeko phantsi kwe-NLTA;

**KWAYE NGENXA YOKO, UMISELWE** liBhunga lesiXeko saseKapa, ngolu hlobo lulandelayo:

**ULUHLU LWEZIQULATHO****IMIGAQO JIKELELE**

1. IiNkcazelo
2. Ukumiselwa nemisebenzi ye-TCT

**IMISEBENZI EKHETHEKILEYO YE-TCT**

3. UGunyaziwe woCwangciso
4. UGunyaziwe onikezela imisebenzi kooNokotraka
5. IQumrhu eliLawulayo likaMasipala

6. Ukubekw'esweni nokuPhononongwa kweNdlela yokuSebenza
7. ULawulo lweziMali
8. UNyanzeliso-mthetho loMthetho weZithuthi zoLuntu
9. Intsebenziswano, uNxibelelwano noLawulo lwaBachaphazelekayo
10. ULawulo lweZiseko zoPhuhliso
11. ULawulo loThungelwano lweMisebenzi

#### **IZINTO NGEZINTO**

12. Imisebenzi ngokubanzi
13. IZivumelwano nePhondo nooMasipala abakufuphi
14. Isihloko esifutshane

#### **IMIGAQO JIKELELE**

##### **Iinkcazelo**

1. Kulo Mthetho kaMasipala, ngaphandle kokuba umxholo ubonisa ngolunye uhlobo:

**"IsiXeko"** kubhekiselelwe kuMasipala wesiXeko saseKapa;

**"UMphathi wesiXeko"** kubhekiselelwe kumntu owonyulwe njengomphathi kamasipala wesiXeko ngokwemigaqo yecandelo lama-54A loMthetho weZikhundla zikamasipala;

**"UMkomishinala"** kubhekiselelwe kumntu owonyulwe liBhunga ukuba abe ngumkomishinala we-TCT yaye ukonyulwa kwakhe kuya kungqinelana necandelo lama-57 loMthetho olawula iiNkqubo zikamasipala;

**"IKomiti"** kubhekiselelwe kwikomiti eyonyulwe ngokungqinelana necandelo lama-79 loMthetho weZikhundla zikamasipala;

**"UMgaqosiseko"** kubhekiselelwe kuMgaqosiseko weRiphabhliki yoMzantsi Afrika, 1996;

**"UGunyaziwe onikezela imisebenzi yeKontraka"** kubhekiselelwe kuMasipala onikezelwe igunya lokwabela imisebenzi yekontra ngokungqinelana ne-NLTA, noxanduva lwakhe luchazwe kwicandelo le-4 ephantsi kwe-TCT;

**"IBhunga"** kubhekiselelwe kwibhunga likamasipala wesiXeko elichazwe kwicandelo le-157 loMgaqosiseko;



**"UMlawuli"** kubhekiselelwe kuye nabani okwisikhundla sokuba ngumlawuli (nokuba usebenza oko okanye ngamaxesha athile, okwethutya okanye ngokusigxina) kwisiXeko;

**"USodolophu wesiGqeba"** kubhekiselelwe kusodolophu wesigqeba wesiXeko owonyulwe ngokwemigaqo yecandelo lama-55 loMthetho weZikhundla zikamasipala;

**"ULawulo lweziMali"** kubhekiselelwe kwimisebenzi echazwe kwicandelo le-7 nephantsi kwe-TCT;

**"UNyaka-mali"** kubhekiselelwe kumhla woku-1 Julayi ukuya kowama-30 Juni (ibandakanywa nayo);

1.1 **"UMsebenzi"** kubhekiselelwe kuyo nayiphi kule misebenzi ilandelayo eyenziwa kwi-TCT (njengoko umxholo unokumisela):

- (a) UGunyaziwe woCwangciso;
- (b) UGunyaziwe onikezela imisebenzi yeKontraka;
- (c) IQumrhu eliLawulayo likaMasipala;
- (d) UkuBekw'esweni nokuPhononongwa kweNdlela yokuSebenza;
- (e) ULawulo lweziMali;
- (f) UNyanzeliso-mthetho loMthe weZithuthi zoLuntu;
- (g) INTsebenziswano, uNxibelelwano noLawulo lwabaChaphazelekayo;
- (h) ULawulo lweZiseko zoPhuhliso; kunye
- (i) NoLawulo loThungelwano lweMisebenzi;

**"INDawo ekuSetyenzwa kuyo"** kubhekiselelwe kummandla wesiXeko ndawonye neminye imimandla ekwabanye ooMasipala nalapho isiXeko sinobudlelwane bokucwangcisa izithuthi nabo;

**"ULawulo lweZiseko zoPhuhliso"** kubhekiselelwe kwimisebenzi emiselwe kwicandelo le-10 nephantsi kwe-TCT;

**"ISicwangciso esiHlangeneyo soPhuhliso"** okanye **"IDP"** kubhekiselelwe kwisicwangciso esihlangeneyo sophuhliso sesiXeko esamiselwa ngokungqinelana nesahluko se-5 soMthetho olawula iNkqubo zikamasipala;

**"UThungelwano oluHlangeneyo lweZithuthi zoLuntu"** okanye **"IPTN"** kubhekiselelwe kuthungelwano oluhlangeneyo lwezithuthi zoluntu (ezendlela nezo zihamba kwimizila yoololiwe) lwesiXeko njengoko kuchaziwe kwi-NLTA;

**"ISicwangciso esiHlangeneyo sezoThutho"** okanye **"ITP"** kubhekiselelwe kwisicwangciso esihlangeneyo sezothutho sesiXeko njengoko kuchaziwe kwicandelo lama-36 le-NLTA;

**"IKomiti yoCwangciso lweendlela zokuhamba ezohlukeneyo"** kubhekiselelwe kwikomiti ejongene neendlela zothutho ezohlukeneyo yocwangciso eyasekwa ngokwemigaqo yecandelo le-15 le-NLTA;

**"IBhodi enika iiNgcebiso ngeziThuthi ezihamba eMhlabeni"** kubhekiselelwe kwibhodi enika iingcebiso ngezithuthi ezihamba emhlabeni eyasekwa ngokwemigaqo yecandelo le-16 le-NLTA;

**"Intsebenziswano, uNxibelelwano noLawulo lwaBachaphazelekayo"** kubhekiselelwe kwimisebenzi emiselwe kwicandelo le-9 nephantsi kwe-TCT;

**"IKomiti yesiGqeba sikaSodolophu"** kubhekiselelwe kwikomiti yesigqeba sikaSodolophu yesiXeko eyonyulwa ngokwemigaqo yecandelo lama-60 loMthetho weZikhundla zikamasipala;

**"UMphathiswa wePhondo"** kubhekiselelwe kwilungu leBhunga lesiGqeba sePhondo elinoxanduva lezothutho kwiPhondo;

**"UMphathiswa"** kubhekiselelwe kumphathiswa onoxanduva lezothutho kwinqanaba lorhulumente kazwelonke;

**"IKomiti ye-MRE"** kubhekiselelwe kwikomiti yeQumhu eliLawulayo likaMasipala echazwe kwicandelo 5(5);

**"IQumrhu likaMasipala"** kubhekiselelwe kwiqumrhu likamasipala njengoko kuchaziwe kwicandelo loku-1 loMthetho olawula iiNkqubo zikamasipala;

**"INGxowa-mali yeziThuthi ezihamba eMhlabeni kaMasipala"** kubhekiselelwe kwingxowa-mali eyasekwa ngokungqinelana necandelo lama-27 le-NLTA neliphantsi kwe-TCT;

**"UMthetho oLawula iZimali zikaMasipala"** kubhekiselelwe kuMthetho oLawula iZimali zikaMasipala: kuRhulumente weNgingqi, Nomb. 56 ka-2003;

**"UMasipala"** kuqukwa zonke iintlobo zoomasipala ezichazwe kwicandelo le-155 loMgaqosiseko;

**"IQumrhu eliLawulayo likaMasipala"** kubhekiselelwe kuMasipala ongunya lokunikezela ngelayisenisi zokusebenza ngokungqinelana ne-NLTA, yaye uxanduva lwakhe luchazwe kwicandelo le-5 neliphantsi kwe-TCT;

**"UMthetho olawula iziThuthi zeNdlela kuZwelonke"** kubhekiselelwe kuMthetho olawula iziThuthi zeNdlela kuZwelonke, Nomb. 93 ka-1996;

**"ULawulo loThungelwano lweMisebenzi"** kubhekiselelwe kwimisebenzi echazwe kwicandelo le-11 nephantsi kwe-TCT;

**"NLTA"** kubhekiselelwe kuMthetho olawula iZithuthi zeNdlela kuZwelonke, Nomb. 5 ka-2009;

**"Umntu ongeloLungu"** kubhekiselelwe kumnini wesithuthi osebenza kwisiXeko ongelilo ilungu loMbutho wabaNini bezithuthi;

**"INkqubo yokuLawula iiLayisenisi zokuSebenza"** okanye **"OLAS"** kubhekiselelwe kwinkqubo yokulawula iilayisenisi zokusebenza eza kusetyenziselwa ukulawula umsebenzi weQumrhu eliLawulayo likaMasipala;

**"ISicwangciso-buchule seeLayisenisi zokuSebenza"** okanye **"OLS"** kubhekiselelwe kwisicwangciso-buchule seelayisenisi zokusebenza esichazwe kwiSicwangciso esiHlangeneyo sezoThutho nesiza kusetyenziselwa ukulawula umsebenzi weQumrhu eliLawulayo likaMasipala;

**"UMbutho wabaNini bezithuthi"** kubhekiselelwe kuwo nawuphi umbutho wabanini bezithuthi ngokuphathelele nayo nayiphi inkonzo yezothutho efunekayo kwisiXeko;

**"UkuBekw'esweni nokuPhononongwa kweNdlela yokuSebenza"** kubhekiselelwe kwimisebenzi echazwe kwicandelo le-6 nephantsi kwe-TCT;

**"UGunyaziwe woCwangciso"** kubhekiselelwe kugunyaziwe wocwangciso (njengoko kuchaziwe kwi-NLTA), imisebenzi yakhe ichazwe kwicandelo le-3 nephantsi kwe-TCT;

**"ISikhokelo sePhondo esijongene neziThuthi ezihamba eMhlabeni"** kubhekiselelwe kwiSikhokelo sePhondo esijongene neziThuthi ezihamba eMhlabeni esichazwe kwicandelo lama-35 le-NLTA;

**"PRASA"** kubhekiselelwe kwi-Arhente yooLoliwe abathutha aBantu yoMzantsi Afrika eyasekwa ngokwemigaqo yecandelo lama-23 loMthetho wokuNgena ngokuseMthethweni kwiiNkonzo zoThutho eMzantsi Afrika, Nomb. 9 ka-1989;

**"IPhondo"** kubhekiselelwe kuRhulumente wePhondo leNtshona Koloni;

**"UNyanzeliso-mthetho loMthetho weZithuthi zoLuntu"** kubhekiselelwe kulo misebenzi echazwe kwicandelo le-8 nephantsi kwe-TCT;

**"UMmiselo weeNdlela"** kubhekiselelwe kuMmiselo weeNdlela, Nomb. 19 ka-1976;

**"UMthetho weZikhundla zikamasipala"** kubhekiselelwe kuMthetho weZikhundla zikaMasipala: kubuRhulumente beNgingqi, Nomb. 117 ka-1998;

**"UMthetho olawula iiNkubo zikamasipala"** kubhekiselelwe kuMthetho olawula iNkqubo zikamasipala: kubuRhulumente beNgingqi, Nomb. 32 ka-2000;

**"TCT"** kubhekiselelwe kwezoThutho eKapa, ugunyaziwe wezothutho kwisiXeko;

**"TIC"** kubhekiselelwe kwiZiko leeNkcukacha ngezoThutho kwisiXeko neliphantsi kwe-TCT;

**"TMC"** kubhekiselelwe kwiZiko loLawulo lwezoThutho lesiXeko neliphantsi kwe-TCT; yaye

**"UMthetho weziThuthi zaseziDolophini"** kubhekiselelwe kuMthetho weziThuthi zaseziDolophini, Nomb. 78 ka-1977.

#### **Ukusekwa nemisebenzi ye-TCT**

2. (1) Ngokuxhomekeke kwicandelwana (2), iBhunga liya kumisela ugunyaziwe wezothutho, oya kubizwa ngokuba iziThuthi zeKapa, kwisiXeko njengeqela elilawulayo nalapho yonke imisebenzi iya kudityaniswa ngenjongo yokuququzelela izithuthi ezihlangeneyo kuza kuzuza abahlali neendwendwe zaseKapa.
- (2) I-TCT awusayi kuba ngumntu ozimeleyo yaye ngokukodwa awusayi kuba liQumrhu likaMasipala kwaye:
  - (a) I-TCT iya kuhlala iyinxalenye yesiXeko kunye nolawulo lwesixeko yaye iya kuba liqela ekungeniswa kulo ingxelo; yaye
  - (b) UMkomishinala akasayi kufuna eminye imisebenzi okanye amagunya ngaphandle kwalawo anikezelwe ngokusemthethweni nagunyaziselwe uMkomishinala kwinkqubo yokunikezelwa kwamagunya, njengoko elungiswa ngokuhamba kwexesha.
- (3) UMkomishinala uya kuba noxanduva yaye uya kwamkela uxanduva lwendlela yokusebenza kwamacandelo emisebenzi yaye ngokukodwa (kodwa ngaphandle kokulinganiselwa) uya kumisela alawule ukumiselwa kwesicwangciso-buchule sokunikezelwa kwezithuthi ezihlangeneyo kuza kuzuza abahlali neendwendwe zaseKapa;
- (4) Ngaphandle kokungakhathaleli imiqathango yeccandelwana (3), uMkomishinala uya kuba neminye imisebenzi eya kunikezelwa kuye liBhunga ngokuhamba kwexesha:
  - (a) ngokungqinelana nezikhokelo okanye imiyalelo eya kukhutshwa liBhunga;
  - (b) ngenjongo yokuququzelela ukunikezelwa kwemisebenzi sisiXeko yesiXeko phantsi kwe-NLTA, uMthetho weziThuthi zaseziDolophini, uMmiselo weeNdlela, uMthetho olawula iziThuthi zeNdlela kuZwelonke kunye nawo nawuphi omnye umthetho nomgaqo wezothutho ofanelekileyo; kunye
  - (c) ngeenjongo zokukhusela okanye ukuququzelela ukumisela isicwangciso-buchule esihlangeneyo sezothutho sesiXeko.

- (5) (a) I-TCT iya kukhokelwa nguMkomishinala.
- (b) UMkomishinala uya kunika ingxelo ngqo kuMphathi wesiXeko ngokungqinelana necandelo lama-57 loMthetho olawula iiNkqubo zikamasipala.
- (c) IBhunga linokunikezela kuMkomishinala amagunya aphaathelene nendlela yokusebenza kwamacandelo e-TCT ukulungiselela ukuba uMkomishinala abe noxanduva lwala macandelo emisebenzi, njengoko kuchaziwe kwicandelwana (5)(d)
- (d) Ngokuxhomekeke ekunikezelweni kwangaphambili kwalo magunya nguMphathi wesiXeko, uMkomishinala uya kuthi, elandela inkqubo efanelekileyo, ngokokubona kwakhe, onyule abaLawuli ngokuyimfuneko ukuze enze imisebenzi yamacandelo.
- (e) Ngokuxhomekeke kuwo nawuphi umqathango oqulethwe kulo Mthetho kaMasipala, uMgaqosiseko, i-NLTA, uMthetho weeNkqubo zikamasipala, uMthetho weZikhundla zikamasipala, uMmiselo weeNdlela, uMthetho weziThuthi zeNdlela kuZwelonke, uMthetho weziThuthi zaseziDolophini nayo nayiphi eminye imithetho nemigaqo yezothutho efanelekileyo, uMkomishinala unakho ukunikezela nayiphi kwimisebenzi yakhe ngokungqinelana nalo mthetho kamasipala kuye nawuphi uMlawuli.
- (f) Ukusetyenziswa kwawo nawuphi amagunya anikezelweyo akhutshwe nguMkomishinala phantsi kwalo Mthetho kaMasipala okanye omnye ngokuxhomekeke:
- (i) kuzo nazihiphi izithintelo ezimiselweyo ngokoMthetho okanye ngokungqinelana nomthetho;
- (ii) yonke eminye imiqathango yalo Mthetho kaMasipala;
- (iii) nayo yonke eminye imigaqo-nkqubo efanelekileyo, iinkqubo nemithetho kamasipala esebenzayo.
- (g) Nakuphi ukungqinelana nawo nawuphi umthetho omisiweyo, umgaqo okanye eminye imiqathango efanelekileyo kulo Mthetho kaMasipala kuya kuchazwa njengesikhokelo kumthetho owisiweyo, umgaqo, okanye umqathango olungisiweyo, otshintshiweyo, ohlanganisiweyo okanye omiswe ngokutsha.
- (h) Kangangoko kuvunyelweyo okanye kufuneka kumthetho kamasipala, uMkomishinala uya kungena kulo memorandum yesivumelwano egameni leBhunga nangokuxhomekeke ekufunyanweni kwamagunya afunekayo, nawo onke amaCandelo kaZwelonke okanye ePhondo kurhulumente, okanye abanye ooMasipala ngenjongo yokuqhuba imisebenzi yamaCandelo eyenziwa kwi-TCT.

**IMISEBENZI EKHETHEKILEYO YE-TCT****UGunyaziwe woCwangciso**

- 3.** (1) UMkomishinala uya kuba noxanduva lokumisela imiqathango yecandelo le-14 (ugunyaziwe woCwangciso), icandelo le-15 (iikomiti yocwangciso ejongene neendlela zothutho ezohlukeneyo), icandelo le-16 (iibhodi ezinika iingcebiso ngezithuthi ezihamba emhlabeni), icandelo lama-31 ukuya kwelama-39 (uCwangciso lwezoThutho) (ebandakanyiwe) e-NLTA, ndawonye nawo onke amanye amacandelo e-NLTA afanelekileyo kwimisebenzi yogunyaziwe wocwangciso (njengoko kuchaziwe kwi-NLTA).
- (2) Ngaphandle kokungakhathaleli imiqathango yecandelwana (1), uMkomishinala uya kuqulunqa, amisele, alawule ze aphengulule i-ITP esenzela isiXeko yaye (ngaphandle kokulinganiselwa) uya kuinisekisa ukuba lo ITP:
- (a) ithobela yonke imithetho, imiathango nezikhokelo zifanelekileyo ngokuphathelene nomxholo, indlela nohlobo lwe-ITP;
- (b) ichaza imigaqo yokusebenza yecandelo ngalinye kunye nezinyanzeliso nemigangatho ekuyimfuneko ukuba iCandelo ngalinye liyithobele;
- (c) ifuna ukuba iCandelo ngalinye linike ingxelo rhoqo kwiCandelo eliBek'esweni neliPhonononga iNdlela yokuSebenza malunga nenkqubela-phambili nemisebenzi eyimpumelelo ngokuchasene nezo zinyanzeliso nemigangatho echazwe kwicandelwana (2)(b);
- (d) imisele indlela uMkomishinala aza:
- (i) kulawula ngayo ukunikezelwa nokulawulwa kwezivumelwano zekontra ekuza kungenwa kuzo sisiXeko njengoGunyaziwe olawula iiKontra, ngokuxhomekeke kwimiqathango nemigaqo-nkqubo yoLawulo lweMisebenzi enikezelwa ngoLuhlu lwaBaxhasi;
- (ii) kuqulunqa kwiSicwangciso-buchule seeLayisenisi zokuSebenza ukuba sizimisele ukulawula njani iilayisenisi zokusebenza eziza kunikezelwa sisiXeko njengeQumrhu eliLawulayo likaMasipala (kunye noMkomishinala baya kuqinisekisa ukuba iSicwangciso-buchule seeLayisenisi zokuSebenza sithobela uMgaqosiseko, i-NLTA, uMthetho woLawulo lweZimali zikaMasipala, uMthetho weeNkqubo zikaMasipala kunye neSicwangciso esiHlangeneyo soPhuhliso); yaye
- (iii) kuqulunqa aze agcine iziseko zophuhliso zezothutho zesiXeko kunye namaziko anxulumene noku; yaye
- (e) iyinxalenye ye-IPTN.

- (3) Imigangatho ekufuneka ukuba iCandelo ngalinye lihlangabezane nayo njengoko kuchaziwe kwicandelwana (2)(b) iya kuthi, kweminye imicimbi kuqukwa (ngaphandle kokulinganiselwa) ifikelele ngokufanayo, kwiinkonzo ezikhethekileyo, kwizithuthi zemithwalo nezo zingenanjini, iya kuqulunqwa kwizicwangciso zecandelo eziyinxalenye ye-ITP.
- (4) Ngaphandle kokungakhathaleli imiqathango yamacandelwana (1), (2) nele-(3), uMkomishinala uya kuqulunqa i-ITP yesigaba ngasinye seminyaka emihlanu (esokuqala siya kuba sesiqala ngo-2013 ukuya ngo-2018) yaye uya kuqinisekisa ukuba i-ITP nganye iyangqinelana neSicwangciso esiHlangeneyo soPhuhliso kwisiXeko.
- (5) UMkomishinala uya kumisela agcine iinkqubo ezifanelekileyo ukuqinisekisa ukuba iCandelo loGunyaziwe woCwangciso liyasebenzisana neQumrhu eliLawulayo likaMasipala ngokuphathelene nayo yonke imicimbi ephathelene nocwangciso lwe-IPTN kunye nakuyo yonke imisebenzi efanelekileyo ephantsi kwe-NLTA, kuqukwa necandelo lama-57 le-NLTA ngokukodwa.
- (6) Ngaphandle kokungakhathaleli imiqathango yecandelwana (5), uMkomishinala uya kunika izimvo nezikhokelo ngokusekelwe kwi-ITP kuwo onke amaQumrhu oMthetho afanelekileyo ngokuphathelene naso nasiphi isicelo sokunikezelwa, ukuvuselelwa, ukulungiswa okanye ukudluliswa kwelayisenisi yokusebenza enxulumene nesiXeko kunye/okanye amaCandelo aso eMisebenzi (ngaphandle kwenkonzo yokuthuthwa kwabakhenkethi okanye inkonzo yezithuthi ezishwayo, nangaphandle kwenkonzo yekontra echazwe kwicandelo lama-56 le-NLTA) ngokungqinelana necandelo lama-55 neminye imigaqo efanelekileyo ye-NLTA.
- (7) UMkomishinala uya kuthi, egameni lesiXeko ngengoGunyaziwe, aphenule kuzo zonke izicelo zosetyenziso-mhlaba kwisiXeko ezinempembelelo yezothutho kunye/okanye yothutho yaye ngokukodwa ubungakanani ezinxulumene ngabo ne-ITP, kuthathelwa ingqalelo impembelelo yazo kwezothutho, ulawulo lwemfuneko yokuhamba neendleko zazo, nokuthathela ingqalelo isicelo somgaqo-nkqubo wegalelo lezophuhliso.
- (8) UMkomishinala uya kuba noxanduva lokuqulunqa, amisele ze alawule isicwangciso-buchule seenguqu nokuphuhlisa iimfuno ezinxulumene naso ukugcina i-TCT isazi ngeenkqubo eziphuculweyo zezithuthi eziHlangeneyo ngenjongo yokuphumeza iinjongo zokunikezelwa kweenkonzo kubahlali ezibalulekileyo kwisicwangciso esipheleleyo sokusebenza se-TCT, kunye nezicwangciso-buchule zexesha elingelide nelo lide kuwo onke amacandelo emisebenzi.
- (9) Ngaphandle kokungakhathaleli imiqathango yecandelwana (8), uMkomishinala uya:

- (a) kuba noxanduva lenkqubela-phambili eqhubekayo ejoliswe kwinqongo yolawulo oluhlangeneyo lwezothutho ukuze kusetyenzelwe ngcono abahlali neendwendwe zesiXeko; yaye
  - (b) kuphengulula rhoqo iinguqu ezintsha ezenziwe ziziphathamandla zezothutho kwabanye oomasipala ngenjongo yokuqinisekisa ukuba iinkqubo neenkonzo zezothutho zesiXeko zikweyona migangatho iphakamileyo ekhoyo ngoku.
- (10) Ngaphandle kokungakhathaleli imiqathango yecandelwana (1), uMkomishinala uya kunikezela ngezo nkcukacha, uphicotho nengcebiso kwiKomiti yoCwangciso lweendlela ezohlukeneyo zothutho kunye neBhodi enika iiNgcobiso ngeziThuthi zeNdlela njengoko kuya kufunka ngokuhamba kwexesha.
- (11) UMkomishinala uya, rhoqo ngenyanga, kubonelela ngeenkcukacha ezifanelekileyo eziphathelele nemisebenzi ephantsi kweCandelo loLawulo loCwangciso kwiCandelo eliBek'esweni neliPhengulula iNdlela yokuSebenza.

#### **UGunyaziwe onika iMisebenzi yeKontraka**

4. (1) UMkomishinala uya kuba noxanduva lokumisela imiqathango yecandelo lama-40 (ukuhlanganiswa kwenkqubo yeebhasi zekontra kwinkqubo enkulu yezithuthi zoluntu), icandelo lama-41 (iikontraka ekubonisiwe ngazo), icandelo lama-42 (iikontraka zenkonzo exhaswa ngurhulumente), icandelo lama-43 (iikontraka zenkonzo yorhwebo), icandelo lama-44 (iimfuno zokwenza ubani abe nelungelo lokufaka isicelo sethenda yeekontraka zenkonzo yorhwebo okanye exhaswa ngurhulumente), icandelo lama-45 (ukuBandakanyeka kooMasipala kwiinkonzo zezithuthi zoluntu) kunye necandelo lama-46 (izicwangciso zekontra ezikhoyo) e-NLTA, ndawonye nawo onke amanye amacandelo e-NLTA anxulumene nemisebenzi yoMasipala njengogunyaziwe onika imisebenzi yekontra (njengoko kuchaziwe kwi-NLTA).
- (2) Ngaphandle kokungakhathaleli imiqathango yecandelwana (1), uMkomishinala uya:
- (a) ngokukhangela kwi-ITP (kuqukwa ne-IPTN), amise imigangatho, imida yokusebenza, iinkcazelo zenkonzo (kuqukwa nokubonelela ngenkonzo yokulungisa, ukulondoloza nokutshintsha izixhobo zezithuthi ezibonelelwa egameni lababoneleli ngenkonzo yezithuthi zoluntu), imirhumo, ngokuxhomekeke kwimiqathango yecandelo le-7(c), iinkqubo zentlawulo nokusebenzisana kwabanini bezithuthi nothungelwano lwezothutho kwisiXeko kuyo yonke imisebenzi yekontra eza kunikezelwa ilawulwe sisiXeko njengoGunyaziwe onika imisebenzi yeKontraka ngokungqinelana ne-NLTA;
  - (b) aqulunqe ze agcine amaxwebhu ezivumelwano zekontra esenzela zonke iikontraka ezichazwe kwicandelwana (2)(a) yaye alawule inkqubo yokuqeshwa kwababoneleli ngenkonzo yezithuthi zoluntu kwezo



kontraka, ndawonye nababoneleli ngenkonzo yenkxaso ukunikezela (ngaphandle kokulinganiselwa) ukubek'esweni, ulawulo leenkucukacha, ulawulo lwamaziko, izibhengezo-ntengiso neenkonzo zokuqokelelwa kwemali yokukhwela esebenza ngomatshini xa kuyimfuneko okanye xa ifunwa;

- (c) ukuqulunqa nokugcina inkqubo yokubek'esweni ukuhanjiswa kwenkonzo nemigangatho yokusebenza okunxulumene neekontraka ezichazwe kwicandelwana (2)(a); yaye
- (d) abonelele ngeenkucukacha kwiCandelo eliBek'esweni neliPhonononga iNdlela yokuSebenza kwabo bonke ababoneleli ngenkonzo yezithuthi zoluntu abaphantsi kweekontraka ezichazwe kwicandelwana (2)(a).

(3) U<sup>M</sup>komishinala uya kuba noxanduva lokubek'esweni:

- (a) imigangatho yolondolozo nokhuseleko lwazo zonke izithuthi zoluntu ezicwangcisiweyo (nokuba ezo zithuthi zezesiXeko okanye akunjalo); yaye
- (b) ukuthotyelwa ngabanini bezithuthi bezo zithuthi zoluntu ezicwangcisiweyo ngokunxulumene nezinisekiso, iilayisenisi neziqinisekiso ezifunwayo kubaqhubi bezo zithuthi,

kwimeko nganye ngokungqinelana nemithetho efanelekileyo nazo naziphi iikontraka ezinikezelwe kabo banini bezithuthi banezithuthi zoluntu ezicwangciselwe imisebenzi ethile ngu<sup>M</sup>komishinala egameni lesiXeko.

(4) U<sup>M</sup>komishinala uya kuqinisekisa ulawulo olufanelekileyo nolusebenzayo lwemali nokubonelela ngenkxaso yolawulo lwenkxaso karhulumente, kuqukwa (ngaphandle kokulinganiselwa):

- (a) ngenkqubo yokucwangcisa amabango emisebenzi yekontraka;
- (b) ukufaka amabango kwinkqubo yolawulo lwenkxaso karhulumente;
- (c) ukugcwaliswa kwamaxwebhu emali kusenzelwa iintlawulo;
- (d) ukunxibelelana nabanini bezithuthi ngokuphathelelene neentlawulo; kunye
- (e) nokubonelela ngeengxelo zenkcitho-mali yarhoqo ngeveki neyenyanga.

(5) U<sup>M</sup>komishinala uya kuqinisekisa ukuba isiXeko ngawo onke amaxesha sithobela neemfuno zokunikwa kwengxelo nezeenkucukacha zoMthetho weCandelo lezeNgeniso, Nomb. 12 ka-2009.

(6) U<sup>M</sup>komishinala uya kumisela agcine iinkqubo ezifanelekileyo ukuqinisekisa ukuba umsebenzi wesiXeko njengoGunyaziwe onika iiKontraka ungqinelana

nomsebenzi wesiXeko njengoGunyaziwe woCwangciso neQumrhu eliLawulayo likaMasipala ngokulandelelana kwawo ngokuphathelene ne-IPTN nakuyo yonke imisebenzi enyanzelekileyo phantsi kwe-NLTA.

- (7) UMkomishinala uya kuthi, rhoqo ngenyanga, anikezele ngovimba weenkukacha ezifanelekileyo eziphathelene nemisebenzi ephantsi kweli Candelo loGunyaziwe onika imisebenzi yeKontraka kwiCandelo lokuBek'esweni nokuPhengululwa kweNdlela yokuSebenza.

#### **IQumrhu eliLawulayo likaMasipala**

5. (1) UMkomishinala uya kuba noxanduva lokumisela imiqathango yamacandelo 17 ukuya kwele-19 (ebandakanyiwe nawo) namacandelo 47 ukuya kwelama-84 (ebandakanyiwe nawo) e-NLTA, ndawonye nawo onke amanye amacandelo e-NLTA afanelekileyo kwimisebenzi kaMasipala njengequmrhu elilawulayo (njengoko kuchaziwe kwi-NLTA).
- (2) Ngaphandle kokungakhathaleli imiqathango yecandelwana (1), uMkomishinala uya kuba noxanduva leelayisenisi zokusebenza zabo bantu abanqwanela ukwenza inkonzo yephondo eqhutywa kwisiXeko okanye eqala kwisiXeko kananjalo iqhutywa kwimimandla yabanye ooMasipala, njengoko kuchaziwe kwicandelo lama-54(2) le-NLTA.
- (3) Ngaphandle kokungakhathaleli imiqathango yecandelwana (1), uMkomishinala uya kuba noxanduva lokuqhuba kakuhle umsebenzi wemihla ngemihla kuzo zonke iindawo ekusetyenzwa kuzo, kuqukwa imisebenzi ekhoyo yezithuthi ezihamba emhlabeni kunye nezithuthi ezihamba kwimizila yoololiwe (ngokukodwa iibhasi, iitekisi noololiwe) kunye nokhuselo nokhuseleko lwezithuthi zoluntu.
- (4) IKomiti ye-MRE iya (ngaphandle kokulinganiselwa) kufezekisa le misebenzi ilandelayo egameni likaMasipala, njengeQumrhu eliLawulayo likaMasipala:
- (a) ukunikezelwa, ukudluliswa, ukulungiswa nokuhlaziywa kweelayisenisi zokusebenza;
  - (b) ukulungiswa kweelayisenisi zokusebenza ngenxa yokutshintshwa kwezithuthi;
  - (c) ukutshintshwa okwethutyana kwesithuthi kwilayisenisi yokusebenza;
  - (d) ukuguqulwa kweempepha-mvume zibe ziilayisenisi zokusebenza;
  - (e) ukuphinda-phindwa kweelayisenisi zokusebenza;
  - (f) ubonelelo ngeempepha-mvume zethutyana zeziganeko ezikhethekileyo;
  - (g) ukurhoxiswa, ukumiswa okanye ukulungiswa kwelayisenisi yokusebenza; kunye

- (h) nokumiselwa kwemida yonyanzeliso-mthetho nemidliwo, kuqukwa (ngaphandle kolinganiselo) nokwenza uhlolo olufanelekileyo lwezithuthi zoluntu neziqinisekiso zazo ezifanelekileyo,

kunye (ngokuxhomekeke kwimiqathango yecandelwana (5)) uMkomishinala egameni likaMasipala, njengeQumrhu eliLawulayo likaMasipala, uya kusebenzisa loo macandelo ngokungqinelana neemfuno, izimvo nezikhokelo zoGunyaziwe woCwangciso kunye ngokukodwa neSicwangciso-buchule seeLayisenisi zokuSebenza, zingachasani nawo nawuphi umgaqo-nkqubo weBhunga.

- (5) Ngenjongo yokwenza imisebenzi echazwe kwicandelwana (4), iBhunga liya konyula iKomiti ye-MRE eya kuquka ubuncinane abantu abathathu (kuqukwa nosihlalo) kukho izakhono ezifanelekileyo kulo komiti.
- (6) Izigqibo zeKomiti ye-MRE zokuqhuba imisebenzi echazwe kwicandelwana (4) ziya kuzimela kwezo zeBhunga.
- (7) Zonke izibheni ezichasene okanye ezinxulumene naso nasiphi isigqibo esenziwa yiKomiti ye-MRE ekuqhubeni imisebenzi echazwe kwicandelwana (4) ziya kwenziwa kwiNkundla yeZibheni zoThutho ngokungqinelana necandelo lama-92 le-NLTA.
- (8) UMkomishinala uya kuqinisekisa ukuba iKomiti ye-MRE:
- (a) ilandela ezi nkqubo ngenjongo yokwenza imisebenzi eya kumiselwa liBhunga ngokuhamba kwexesha;
  - (b) igcine iinkcukacha zihlaziyiwe kwiNkubo eLawula iiLayisenisi zokuSebenza zemisebenzi echazwe kwicandelwana (4);
  - (c) inike ingxelo kwiBhunga ngokwenziwa kwemisebenzi ngalo maxesha aya kufunwa liBhunga; yaye
  - (d) ipapashe iinkcukacha ezifanelekileyo zokwenziwa kwemisebenzi kwiwebhusayithi ye-TCT ngalo maxesha aya kubonwa efanelekile liBhunga.
- (9) Ngaphandle kokungakhathaleli imiqathango yecandelwana (1) nangokuxhomekeke kuzo naziphi izithintelo okanye imfuneko emiswe ngokomthetho, uMkomishinala unakho, xa ebona kufanelekile, kuqukwa iinkcukacha ngoku kulandelayo kwiNkqubo yoLawulo lweeLayisenisi zokuSebenza:
- (a) iinkcukacha zeMibutho yaBanini zithuthi namalungu awo;
  - (b) iinkcukacha zabo bangengoMalungu; kunya

- (c) xa kufanelekile, iinkcukacha zeendlela ekusebenza kuzo izithuthi zabo bakwiMibutho yaBanini bezithuthi nabo bangengoMalungu, inkcazelo yeendlela ezinxulumana nezo zikwi-ITP.
- (10) UMkomishinala uya kusebenzisa iinkcukacha ezichazwe kwicandelwana (9), ndawonye ne-ITP ne-IPTN, ukulawula iMibutho yabaNini bezithuthi ngendlela ebona ifanelekile i-TCT.
- (11) UMkomishinala uya, rhoqo ngenyanga, kubonelela ngeenkcukacha ezifanelekileyo ngokunxulumene nemisebenzi yayo phantsi kweli Candelo leQumrhu liLawulayo likaMasipala ukuya kwiCandelo lokuBekw'esweni nokuPhononongwa kweNdlela yokuSebenza.

#### **UkuBekw'esweni nokuPhononongwa kweNdlela yokuSebenza**

- 6. (1) UMkomishinala uya kuba noxanduva lokumisela, ukulawula nokulondoloza inkqubo yabo bonke kulungiselelwa ukudibanisa iinkcukacha novimba wolwazi wawo onke amaCandelo yaye uya kuxhasa lo macandelo emisebenzi asebenzisanayo.
- (2) UMkomishinala uya kuba noxanduva lokudibanisa, ukugcina nokutshintsha iinkcukacha kunye nokugcina, ukuphucula nokutshintsha iinkqubo zolwazi nobuchwepheshe exhasa onke amaCandelo.
- (3) UMkomishinala uya:
  - (a) kuba noxanduva lokusungula nokulondoloza iwebhusayithi ye-TCT yawo onke amaCandelo emisebenzi;
  - (b) ngokuxhomekeke ekuphunyezweni kwangaphambili liBhunga, kupapasha iinkcukacha kulo webhusayithi ngendlela yokusebenza kwe-TCT ngakwimisebenzi ejolise kuwo onke amaCandelo emisebenzi rhoqo ngekota;
  - (c) ngokuxhomekeke ekuphunyezweni kwangaphambili liBhunga ngokomgangatho weenkcukacha, iinkcukacha ezipapashiweyo zomsebenzi wabo bonke ababoneleli ngenkonzo yezithuthi zoluntu phantsi kweekontraka njengoko kuchaziwe kwicandelo 4(2)(a) ngalo mathuba aya kubonwa efanelekile nguMkomishinala ngokuhamba kwexesha (yaye akuyi kufunwa esinye isiphumezo kwiBhunga ngopapasho ngalunye lweenkcukacha zokusebenza, ukuba olo papasho luthobela umgangatho weenkcukacha nohlobo lwalo oluphunyezwe liBhunga); kunye
  - (d) nokubonelela ngovimba weenkcukacha zabo bonke abachaphazelekayo, ndawonye namaqumrhu afanelekileyo kulungiselelwa ukunxibelelana naye ngemicimbi ephathelene nezothutho.

- (4) UMkomishinala uya kuvula unxulumano neentlobo zeenkukacha ezikwamanye amacandelo olawulo esiXeko yaye uya kudibanisa agcine zonke inkukacha zokusetyenziswa kwezithuthi ngenjongo yokukhulula imisebenzi yayo enyanzelekilyo phantsi kweli candelo le-6.
- (5) Ngaphandle kokungakhathaleli imiqathango yamacandelwana angaphambili eli candelo le-6, uMkomishinala uya kubhala phantsi zonke iinkubo zezothutho ukulungiselela i-TCT ijongane nemibuzo ngendlela efanelekileyo nesebenzayo.
- (6) (a) UMkomishinala uya, ngokukhawuleza emva kokuphela konyaka-mali ngamnye, kupapasha ingxelo eza kubandakanywa njengesahluko esisodwa kwingxelo yonyaka yeBhunga ngendlela yokusebenza kwe-TCT kulo nyaka-mali.
- (b) Lo ngxelo ichazwe kwicandelwana 6)(a) iya kumisela iinkukacha:
- (i) zegalelo elenziwe yi-TCT ekumiselweni kweSicwangciso esiHlangeneyo soPhuhliso;
- (ii) indlela yokusebenza kwe-TCT ngakwiSicwangciso esiHlangeneyo soPhuhliso; kunye
- (iii) nendlela yokusebenza kwe-TCT ngakwimisebenzi ejolise kuyo kuwo onke amaCandelo emisebenzi ngokukodwa indlela yokusebenza kweNgxowa-mali yeziThuthi ezihamba eMhlabeni kaMasipala kulo nyaka-mali.
- (c) Lo ngxelo ichazwe kwicandelwana 6)(a) iya kuquka iinkukacha ezinokumiselwa ngokubhaliweyo nguMphathi kaMasipala ngokuhamba kwexesha ngokuphathelene nawo nawuphi umcimbi ekufuneka ukuba ingxelo leyo ijongane nawo ngokungqinelana necandelwana 6)(b).
- (d) UMkomishinala uya kugcina ikopi yayo nayiphi ingxelo eyenziwe phantsi kweli candelwana (6) efumanekayo kwixesha elifanelekileyo lokuhlolwa nguye nabani xa kuceliwe simahla kwii-ofisi ezinkulu zikaMasipala ngamaxesha omsebenzi.
- (e) UMkomishinala uya kunikezela ikopi yayo nayiphi ingxelo eyenziwe phantsi kweli candelwana (7), okanye nayiphi inxalenye yalo ngxelo, kuye nabani xa eyicela ngamaxesha omsebenzi ngentlawulo efikelelekayo aya kuyimisela.
- (f) "Ixesha elifanelekileyo" kwimeko yengxelo eyenziwe phantsi kweli candelwana (6) lixesha leminyaka emithathu ukuqala ngomhla wokupapashwa kwalo ngxelo.
- (7) Ngaphandle kokungakhathaleli imiqathango yamacandelwana angaphambili eli candelo le-6, uMkomishinala uya kumisela inkqubo esebenza ngekhompyutha yokulawula iinkukacha elawulwa kwindawo enye ngenjongo yokubhala

kugcinwe zonke iinkcukacha zezothutho zangaphambili kunye nezipapashiweyo ngazo ukuze kube nomthombo omnye weenkcukacha.

#### **ULawulo lweMali**

7. (1) UMkomishinala uya kuba noxanduva lokumisela imiqathango yecandelo lama-27 (ingxowa-mali yezithuthi ezihamba emhlabeni kamasipala), icandelo lama-28 (imirhumo yabasebenzisi bezithuthi zoluntu), icandelo lama-29 (uMphathiswa unakho ukukhupha inkxaso-mali yezithuthi ezihamba emhlabeni) kunye necandelo lama-30 (uMphathiswa wePhondo unakho ukukhupha inkxaso-mali yezithuthi ezihamba emhlabeni) ye-NLTA.
- (2) Ngaphandle kokungakhathaleli imiqathango yecandelwana (1), uMkomishinala uya (ngokuxhomekeke ngalo lonke ixesha kuMthetho oLawula iZimali zikaMasipala) kuba noxanduva lwayo yonke imicimbi yemali kuwo onke amaCandelo emisebenzi.
- (3) Ngaphandle kokungakhathaleli imiqathango yecandelana (2), uMkomishinala uya (ngokuxhomekeke ngalo lonke ixesha kuMthetho oLawula iZimali zikaMasipala):
  - (a) kuba noxanduva lokusebenza kwinkqubo ehlangeneyo yolawulo lwezimali nayo nayiphi imisebenzi yophuculo efana nayo anokuyibona ifanelekile yaye inokwenzeka;
  - (b) kuba noxanduva lwawo wonke umsebenzi wokuququzelela inkqubo yohlahlo-lwabiwo-mali lwe-TCT nokwenza izindululo kwiKomiti efanelekileyo yeMicimbi yeSebe kunye okanye iKomiti eLawula uHlahlo-lwabiwo-mali ukuze ingeniswe kwiBhunga njengexalenye yenkqubo enkulu yokuqulunqa uhlahlo-lwabiwo-mali yeBhunga, wonke lo msebenzi uya kwenziwa ngokungqinelana nenkqubo efanelekileyo yeBhunga kunye noMthetho oLawula iZimali zikaMasipala;
  - (c) kuphakamisa imirhumo ephathelene nezithuthi zoluntu neziseko zophuhliso zezothutho, amaziko neenkonzo zeBhunga ukuze iphunyezwe, uMkomishinala eya kuqala ahlole umgangatho ofanelekileyo walo mirhumo esebenzisa uphicotho lwenzuzo neendleko ngawo onke amaCandelo emisebenzi ephantsi kweNgxowa-mali yeziThuthi ezihamba eMhlabeni kaMasipala echazwe kwicandelwana (4);
  - (d) kuququzelela izibonelelo-zoncedo zamazwe ngamazwe, zikazwelonke okanye zephondo ezinokubonwa zifanelekile ukuxhasa amaCandelo yaye uya kuba noxanduva lokulawula ezo zibonelelo-zoncedo eziphantsi kweNgxowa-mali yeziThuthi ezihamba eMhlabeni kaMasipala echazwe kwicandelwana (4);

- (e) kuba noxanduva lokujonga iindleko zalo lonke utyalo-mali ngokungqinelana nombono weBhunga wezothutho kwisiXeko njengoko kucacisiwe kwiSicwangciso esiHlangeneyo soPhuhliso ngokuhamba kwexesha kunye, ngokukodwa, nokujonga iindleko zeeprojekthi neenkqubo ezinkulu eziyinxalenye ye-ITP, kuthathelwa ingqalelo iindleko zotyalo-mali lokuqala nemfuneko yolondolozo lwexesha elide nolawulo lwamaziko ngokufanelekileyo;
  - (f) kuba noxanduva lwayo yonke imisebenzi eyenza ingeniso kuwo onke amaCandelo emisebenzi nangokukodwa ngokuphathelene nazo zonke iinkalo zokukhutshwa kwamatikiti kuqukwa:
    - (i) ukuqulunqwa nokumiselwa kwenkqubo ehlangeneyo yamatikiti ezithuthi zoluntu, kuqukwa (ngaphandle kokulinganisela) inkqubo yamakhadi nentlawulo eyi-EuroPay, Mastercard ne-VISA (EMV), ngokunjalo (ngaphandle kokulinganisela) nendawo yokupaka, ukupaka inqwelo yakho ze ukhwele isithuthi soluntu, ulawulo lwamatheko, iinkonzo ezikhethekileyo kunye neenkonziso zokuqesha ibhayisikile; kunye
    - (ii) nokusekwa, ukukhutshwa nokulawulwa kwenkqubo esebenza ngomatshini yokuqokelela imali yokukhwela;
  - (g) kuba noxanduva lokubonelela ngesiqinisekiso ngokobulungisa kuwo onke amaCandelo emisebenzi ngokuphathelene nemisebenzi yabo yekontraka neyokuthenga nokuthengisa; kunye
  - (h) kusoloko ezama ukuphucula zonke iinkalo zokusebenzisana nokusebenza ngokufanelekileyo, ngokukuko nokubakho kwemali yeziseko zophuhliso zezothutho kusenzelwa abahlali neendwendwe zesiXeko.
- (4) Ngaphandle kokungakhathaleli imiqathango yecandelwana (1), (2) okanye le-(3), uMkomishinala uya kuba noxanduva lokuseka nokulondolozisa iNgxoa-mali yeziThuthi ezihamba Mhlabeni kaMasipala ngokwemigaqo yecandelo lama-27 nelama-28 e-NLTA.
  - (5) UMkomishinala uya, rhoqo ngenyanga, abonelele ngeenkukacha ezifanelekileyo ngokuphathelene nemisebenzi ephantsi kweli Candelo loLawulo lweZimali (kuqukwa nangokuphathelene nokukhutshwa kwamatikiti) zisiwe kwiCandelo lokuBekw'esweni nokuPhononongwa kweNdlela yokuSebenza.
  - (6) Ngaphandle kokungakhathaleli imiqathango yamacandelwana angaphambili eli candelo le-7 nangokusoloko kuxhomekeke kuMthetho oLawula iziMali zikaMasipala uMkomishinala uya konyula uMlawuli weCandelo loLawulo lweziMali ukuqinisekisa ukuba imicimbi yemali ye-TCT ilawulwa ngendlela efanelekileyo, ngokuthobela yonke imigaqo yokuziphatha efanelekileyo, zonke

izinyanzeliso ezisemthethweni nangokungqinelana nenkqubo efanelekileyo yeBhunga; kunye

#### **UNyanzeliso-mthetho loMthetho weziThuthi zoLuntu**

8. (1) UMkomishinala uya kuba noxanduva lokumisela imiqathango yecandelo lama-85 ukuya kuma-91 (ebandakanyiwe) ye-NLTA.
- (2) Ngaphandle kokungakhathaleli imiqathango yecandelwana (1), uMkomishinala uya kuba noxanduva lokunyanzelisa uMthetho weziThuthi zeNdlela kuZwelonke kangangoko unxulumene nonyanzeliso-mthetho wezithuthi zoluntu.
- (3) Ngaphandle kokungakhathaleli imiqathango yecandelwana (1) okanye (2), uMkomishinala uya kuba noxanduva lokunyanzelisa ukhuseleko ngokuphathelele nokusetyenziswa kothungelwano lwezithuthi zoluntu kwisiXeko neziseko zophuhliso namaziko afanelekileyo.
- (4) UMkomishinala uya kusebenzisa ngokufanelekileyo i-TMC ne-TIC nobuchwepheshe obufanelekileyo, yaye uya kusebenzisana nezinye ii-arhente ezifanelekileyo nabachaphazelekayo ngeenjongo zokunikezela uxanduva lwakhe phantsi kwecandelo le-8.
- (5) I-TCT iya kubonelela ngeenkonzo zolawulo lwezothutho nezonyanzeliso-mthetho ngokungqinelana nesicwangciso-buchule sayo sonyanzeliso-mthetho wezothutho nokhuseleko ngendlela eya kumiselwa liBhunga ngokuhamba kwexesha.
- (6) UMkomishinala uya, rhoqo ngenyanga, kubonelela ngeenkcukacha ezifanelekileyo eziphathelele nemisebenzi yalo phantsi kweCandelo loNyanzeliso-mthetho weziThuthi zoLuntu zisiwe kwiCandelo lokuBekw'esweni nokuPhononongwa kweNdlela yokuSebenza.

#### **INTsebenziswano, uNxibelelwano noLawulo lwaBachaphazelekayo**

9. (1) UMkomishinala uya kumisela agcine iinkqubo nemisebenzi yolawulo ngenjongo yokuqinisekisa intsebenziswano nonxibelelwano olufanelekileyo nabo bonke abachaphazelekayo abachongiweyo.
- (2) UMkomishinala uya kubandakanya kwiinkqubo nakwimisebenzi yolawulo ekhankanywe kwicandelwana (1) amaphulo afanelekileyo ukwenza inguqu eyimpumelelo nezinzileyo yamashishini nokuxhotyiswa ngokwemigaqo echongwe liBhunga ngokuhamba kwexesha.
- (3) UMkomishinala uya kuba noxanduva lwentengiso yangaphakathi neyangaphandle ye-TCT ukuqinisekisa ukuba abahlali neendwendwe zesiXeko zifumana ulwazi olwaneleyo yaye bonelisekile, njengoko kulinganiswa yinkqubo yokubek'esweni ngokuqhubekayo kokwaneliseka kwabaxumi, kuqukwa



(ngaphandle kokulinganisela) nolwazi loluntu olusele lukho ngendlela yokusebenza ngokuchasene nemisebenzi ekujoliswe kuyo namaqondo onikezelo ngenkonzo apapashwe liCandelo lokuBekw'esweni nokuPhononongwa kweNdlela yokuSebenza.

- (4) UMkomishinala uya kunxibelelana asebenzisane noluntu (phakathi kwezinye iindlela zonxibelelwano) nge-TIC ngokuphathelene nemicimbi yokusebenza kwezithuthi zoluntu.
- (5) UMkomishinala uya kuncedisa iLungu leKomiti yeSigqeba sikasodolophu kwi-TCT ngokunxulumene nayo nayiphi itsebenziswano namajelo eendaba anokuyifuna.
- (6) UMkomishinala uya kungena kwimemorandum yesivumelwano, egameni leBhunga, nabachaphazelekayo kwezothutho, kuqukwa (ngaphandle kokulinganisela) iMibutho yabaNini bezithuthi, amaqela amele abantu abaneemfuno ezizodwa neeforum zemfundo, ngokuxhomekeke ekufunyanweni kwegunya elifunwayo.
- (7)
  - (a) Ngaphandle kokungakhathaleli nayiphi imiqathango yamanye amacandelwana eli candelo le-9, uMkomishinala uya, ngokusebenzisa iwebhusayithi, uvimba weenkukacha nezinye iindlela zonxibelelwano nabachaphazelekayo abachazwe kwicandelo 6(3), enze kufumaneke ezo nkukacha abona zifanelekile ezithi:
    - (i) ziphathelane neenkonzo zezithuthi ezikhwelisa uluntu ngenzuzo yabahlali neendwendwe zesiXeko; yaye
    - (ii) zifunwa ngamalungu oluntu jikelele ukuncedisa ekwenzeni izigqibo zokuba kusetyenziswe ntoni kwezo nkonzo.
  - (b) Ezo nkukacha zichazwe kwicandelwana (7)(a) ziya kwenziwa zifumaneke, ngokungqinelana nemiqathango yoMthetho weeNkubo zikaMasipala:
    - (i) kuluntu jikelele; kunye
    - (ii) nakwabanye abantu abona befanelekile uMkomishinala.
  - (c) UMkomishinala unakho ukufuna ezo ndleko ngokungqinelana neMirhumo ephunyeziweyo yeBhunga ngazo naziphi iinkukacha ezifumanekayo, kodwa akukho zindleko zinokuhlawulwa xa ezo nkukacha ziphathelene neenkonzo zezithuthi ezikhwelisa uluntu yi-TCT.
- (8) UMkomishinala uya:
  - (a) kumisela, egameni leBhunga iKomiti yoCwangciso lweendlela ezohlukeneyo zothutho ngokungqinelana necandelo le-15 le-NLTA

ukuze kuququzelelwe izithuthi zoluntu phakathi kweentlobo ezohlukeneyo ngenjongo yokuphumeza iinjongo ze-NLTA; kunye

- (b) nokukhokela iKomiti yoCwangciso lweendlela ezohlukeneyo zothutho yaye aqinisekise ukuba ubulungu beKomiti yoCwangciso lweendlela ezohlukeneyo zothutho buthobela imigaqo yecandelo 15(1) le-NLTA;
- (c) kuqinisekisa ukuba iKomiti yoCwangciso lweendlela ezohlukeneyo zothutho inika ingxelo yaye ibonisana rhoqo neBhodi enika iiNgcebiso ngeziThuthi zeNdlela (yaye uMkomishinala uya kunika ingxelo kwiBhunga xa imicimbi echaziweyo okanye ekuboniswa ngawo iphathelele kwimisebenzi ye-TCT);
- (d) kuqinisekisa ukuba iKomiti yoCwangciso lweendlela ezohlukeneyo zothutho ithobela yonke imiqathango yamacandelo, amalungu nemisebenzi enokwenziwa ingqinelane ne-NLTA;
- (e) ngaphandle kokungakhathaleli imiqathango engaphambili yeli candelwana (8), kuqinisekisa ukuba iKomiti yoCwangciso lweendlela ezohlukeneyo zothutho iququzelela izimvo yaye ikhokela ukuhlenganiswa ngokupheleleyo:
  - (i) kweenkonzo zabakhweli boololiwe kwiNkalo yeCandelo elijongne neenkonzo zezithuthi zoluntu ezihamba ezindleleni;
  - (ii) iinkonzo ezicwangcisiweyo, iinkonzo zeeteki kunye neenkonzo ezingacwangcisiwanga kwiNkalo yeCandelo enye nenye nezinye iintlobo zezithuthi zoluntu;
  - (iii) zonk iinkalo ze-ITP ngenjongo yokuqinisekisa ukuba kuphunyezwa ukusetyenziswa ngokukuko kweziseko zophuhliso neenkonzo kwinkqubo nokusetyenziswa ngokufanelekileyo nokubekwa phambili kwenkxaso-mali, kuqukwa izithuthi zomthwalo nezithuthi ezingenanjini; kunye
  - (iv) nemisebenzi, uxanduva nentsebenziswano yabo bonke abachaphazeleka kwezothutho abafanelekileyo, kuqukwa (ngaphandle kokulinganiswa) kumaqumrhu ezithuthi zasekuhlaleni, ezorhwebo, abanini bezithuthi zoluntu nabasebenzi; kunye
- (f) nokuqinisekisa ukuba iKomiti yoCwangciso lweendlela ezohlukeneyo zothutho imisela ezo komitana, ezinokuquka iikomiti ezinyanzelisa umthetho wezithuthi zololiwe, iibhasi, iiteksi nezo zihamba emhlabeni, ngohlobo iKomiti yoCwangciso lweendlela ezohlukeneyo zothutho enokubona zifanelekile.

(9) UMkomishinala uya:

- (a) kumisela, egameni leBhunga, iBhodi enika iiNgcebiso ngeziThuthi ezihamba eMhlabeni ngokungqinelana nemiqathango yecandelo le-16 ye-NLTA nangabameli bakarhulumente nabamacandelo abucala ukuze banike iingcebiso ngokuphathelene nemicimbi yezithuthi ezihamba emhlabeni;
- (b) ukuqinisekisa ukuba iBhodi enika iiNgcebiso ngeziThuthi ezihamba eMhlabeni iyayithobela imiqathango eyenziwa ngokuhamba kwexesha nguMphathiswa onoxanduva lwezothutho kwicandelo lorhulumente kazwelonke phanti kwecandelo le-16(2) le-NLTA ngokuphathelene nobulungu kwiBhodi enika iiNgcebiso ngeziThuthi ezihamba eMhlabeni, ukonyulwa neziqinisekiso zobulungu, iinkqubo namaxesha okuchotshelwa kweentlanganiso, nemicimbi enxulumene nayo;
- (c) ukufuna ukuba iBhodi enika iiNgcebiso ngeziThuthi ezihamba eMhlabeni:
  - (i) ifumana izimvo kwiKomiti yoCwangciso lweendlela ezohlukeneyo zothutho; yaye
  - (ii) yenza izindululo ngocwangciso lomgaqo-nkqubo kwiBhunga nakwemnye imibutho efanelekileyo eyenza izigqibo ngemicimbi yezithuthi ezihlanganisiweyo ezihamba emhlabeni njengoko kuchaziwe kwicandelwana (8)(e) no-(f),

zonke ziya kuxhasa inkqubo yezithuthi ezihlangeneyo kwisiXeko.

- (10) ILungu leKomiti yesiGqeba sikasodolophu kwi-TCT liya kuchophela iBhodi enika iiNgcebiso ngeziThuthi ezihamba eMhlabeni yaye usihlalo weKomiti yeMicimbi yeSebe le-TCT uya kuba ngusekela sihlalo weBhodi enika iiNgcebiso ngeziThuthi ezihamba eMhlabeni.
- (11) UMkomishinala uya kuthatha onke amanyathelo afanelekileyo ukuqulunqa nokukhupha uphawu neemveliso ze-TCT kunye nemiqondiso exhasayo kunye noyilo lokwakha ngenjongo yokuba olo phawu lwe-TCT luxhase ngokupheleleyo umbono weBhunga we-TCT kuwo onke amaCandelo emisebenzi.

#### **ULawulo lweZiseko zoPhuhliso**

- 10.** (1) UMkomishinala uya kuba noxanduva lokucwangcisa, ukuyila, iindleko, umsebenzi wokwakha, ulondolozo, ukutshintshwa, ukwandiswa nokuphuculwa kothungelwano lweendlela zesiXeko, uthungelwano lwezithuthi zoluntu kunye neziseko zophuhliso zoluntu, uthungelwano lemibhobho yamanzi esitshi, iziseko zophuhliso zamanzi esitshi, iindonga zeelwandle namaziko anxulumene noku.
- (2) UMkomishinala uya kuba noxanduva yaye uya kwenza yonke imisebenzi yogunyaziwe wezendlela phantsi koMmiselo weeNdlela kulungiselelwa zonke iindlela neendledlana zoluntu (ezifana neendlela neendledlana zoluntu njengoko

kuchaziwe kuMmiselo weeNdlela) kwisiXeko yay uya, kangangoko kufuneka, kwenza ezinye izicelo phantsi koMmiselo weeNdlela ukwenza lo msebenzi.

- (3) UMkomishinala uya kumisela, alawule yaye agcine incwadi yeenkcukacha zempahla eziphathelene nothungelwano lweendlela zesiXeko, uthungelwano lwezithuthi zoluntu kunye neziseko zophuhliso zezithuthi zoluntu namaziko anxulumene nazo achazwe kwicandelwana (1).
- (4) Ngokukodwa, uMkomishinala uya kuqinisekisa ukuba incwadi yeenkcukacha zempahla ekhankanywe kwicandelwana (3) iya kugcina ezi nkcukacha zilandelayo:
  - (a) indawo ezikuyo iimpahla ezichazwe kwicandelwana (3);
  - (b) ukwahlulwa ngokweendidi nenkcazelo yezo mpahla;
  - (c) ubudala bezo mpahla;
  - (d) iindleko zomjikelo wokulondoloza ezo mpahla yaye ngokukodwa iindleko zokuqhuba nokulondoloza ezo mpahla; kunye
  - (e) nokufunyanwa kwezo mpahla nexabiso lazo lemali.
- (5) Xa kusenziwa izigqibo ngokulondolozwa kwezo mpahla ezichazwe kwicandelwana (4), uMkomishinala uya kufikelela kulinganiso olufanelekileyo phakathi kolondolozo olucwangcisiweyo nolo lwenziwa kuba kukho ingxaki ngenjongo yokuqinisekisa uzinzo lwexesha elide nokongiwa kweendleko kwezo mpahla, ngokunjalo nokuqwalasela iindlela zokucwangcisa ushishino ukuxhasa izigqibo zikaMkomishinala zokutyala imali ngokucwangcisiweyo kwezo mpahla aya kubona zibaluleke kakhulu.
- (6) UMkomishinala uya, rhoqo ngenyanga, kubonelela ngeenkcukacha ezifanelekileyo ngokuphathelene nemisebenzi yayo phantsi kweCandelo loLawulo lweZiseko zoPhuhliso zisiwe kwiCandelo lokuBekw'esweni nokuPhononongwa kweNdlela yokuSebenza.

#### **ULawulo loThungelwano lweMisebenzi**

- 11.** (1) UMkomishinala uya kuba noxanduva lokucwangcisa, ukuyika, iindleko, ulawulo, ukusebenza nokongamela yonke imisebenzi ekuthungelwano lwezithuthi ezihlangeneyo neziseko zophuhliso namaziko anxulumene nazo kwisiXeko (ngokukodwa ne-IPTN), kuqukwa (ngaphandle kokulinganisela) ukusebenza:
  - (a) kweenkqubo zemiqondiso yezithuthi;
  - (b) imizila yeebhasi neyeteeksi (BMT);
  - (c) iikhamera ezilawula izithuthi;

- (d) ulawulo lwendawo yokupaka;
  - (e) inkqubo yokulawula oohola beendlela;
  - (f) izicwangciso zezithuthi ngokuphathelene nolawulo lwamatheko;
  - (g) iinkqubo zokukhweliswa kwemithwalo engaqhelekanga nokuthuthwa kwempahla enobungozi;
  - (h) ukulawulwa kwe-TMC ne-TIC;
  - (i) iinkqubo zonxibelelwano, uvimba weenkukacha odityanisiweyo kunye neenkqubo zolwazi nobuchwepheshe be-TCT, zonke ziya kubekwa zilawulwe kwi-TMC;
  - (j) amaziko onxibelelwano kuwo onke amaziko abalulekileyo ezithuthi zoluntu, iindawo zokutshintsha izithuthi; nakuthungelwano lwezithuthi ezihlangeneyo neziseko zophuhliso ezinxulumene nezi;
  - (k) ukucwangciswa kwamaxesha ngokuhlangeneyo azo zonke iinkonzo zezithuthi zoluntu;
  - (l) ukuvalwa kweendlela; kunye
  - (m) nokunikezelwa kweemvume zokusebenza.
- (2) UMkomishinala uya, rhoqo ngenyanga, kubonelela ngeenkukacha ezifanelekileyo eziphathelene nemisebenzi yakhe phantsi kweli Candelo loLawulo loThungelwano lweMisebenzi zisiwe kwiCandelo lokuBekw'esweni nokuPhononongwa kweNdlela yokuSebenza.

## IZINTO NGEZINTO

### Imisebenzi ngokubanzi ye-TCT

- 12.** (1) UMkomishinala unakho ukuxhasa nokulawula ukwenziwa kwayo nayiphi imisebenzi anegunya lokuyenza, nokuba lo magunya anikezelwe kuye ngokomthetho, lo Mthetho kaMasipala okanye anikezelwe kuye liBhunga yaye kangangoko umthetho umvumela, uMkomishinala uya kuba nelungelo lokuqesha abasebenzi, ii-arhente nonokontra-kinga acinga ukuba bakulungele kunye/okanye njengoko kufunwa liBhunga ukuze benze lo msebenzi uMkomishinala anamagunya okuwenza.
- (2) UMkomishinala unakho ukungena yaye aqhube nasiphi isivumelwano, ngokuxhomekeke kwigunya elifunekayo elifunyenweyo, naye nabani na ngeenjongo zokwenza lo msebenzi, nokuba usebenza njenge-arhente ye-TCT okanye ngolunye uhlobo, kuyo nayiphi imisebenzi uMkomishinala anegunya lokuyenza (yaye, ngokukodwa, ngokuphathelene nobonelelo ngezimali

kwiinkonzo zezithuthi ezikhwelisa uluntu nalapho i-TCT inegunya lokubonelela) ngokuxhomekeke ekulandelweni kwenkqubo efanelekileyo.

- (3) Kangangoko uvuma umthetho, kuya kuba ngokwamandla oMkomishinala ukwenza ezo zinto nokungena kolo naniselwano lubaliweyo ukuze kuququzelelwe, okanye ezilungele okanye ezinxulumene, nokwenziwa kwayo nayiphi imisebenzi, ngokuxhomekeke ekufunyanweni kwegunya elifunekayo.

#### **Izivumelwano nePhondo nooMasipala abakufuphi**

- 13.** Ngokuxhomekeke ekuphonyezweni kwangaphambili liBhunga, uMkomishinala unakho ukungena kwizivumelwano nePhondo okanye nooMasipala abakufuphi ngokwemigaqo yecandelo le-12 le-NLTA nokwenza izicwangciso nooMasipala abakufuphi ngokwemigaqo yecandelo le-19 le-NLTA ukuba i-TCT ibona kufanelekile.

#### **Isihloko esifutshane**

- 14.** Lo Mthetho kaMasipala ubizwa ngokuba bubume/sisakheko sezothutho lwasekapa ngokomthetho kamasipala, 2013