

DEPARTMENT OF TRANSPORT**NOTICE 3487 OF 2025****NATIONAL LAND TRANSPORT ACT, 2009 (ACT No. 5 OF 2009)****SECOND NATIONAL LAND TRANSPORT REGULATIONS, 2025**

The Minister of Transport has made the regulations in the Schedule in terms of section 8(1)(a) of the National Land Transport Act, 2009 (Act. No.5 of 2009), after consultation with the MECs.



MS. BD CREECY, MP
MINISTER OF TRANSPORT

DATE: 31/03/2025

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Definitions

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

“**ITP**” means an integrated transport plan contemplated in section 36 of the Act;

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

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

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

CHAPTER 1: REGULATIONS ON CONTRACTING FOR PUBLIC TRANSPORT SERVICES

Definitions for Chapter 1

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

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

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

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

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

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

“Grant Framework” means the Grant Framework published for the financial year in question in terms of DORA;

“MFMA” means the Local Government: Municipal Finance Management Act, 2003 (Act. No. 56 of 2003), and

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

Requirements for contracts

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

- (a) in the case of a municipality, develop and finalise its ITP and obtain approval thereof as required by section 36 of the Act read with the Minimum Requirements where it has not already done so and, where relevant, update the ITP in the manner required by the Minimum Requirements, subject to section 93(4) of the Act; provided that when that section is applied the municipality must at least have–
 - (i) designed a network of contracted and non-contracted services and prepared a contracted services plan in the manner that is required for the public transport plan component of the ITP, or
 - (ii) conducted surveys to determine the public transport needs for the municipality or the portion of the municipality sought to be covered by the proposed contract;
- (b) make provision for the incorporation of the requirements and conditions promulgated in the grant framework or frameworks provided for the funding of the proposed services published in terms of the relevant DORA;
- (c) prepare an operational and business plan as contemplated in the Grant Framework that complies with regulation 4;
- (d) conduct surveys on the route or routes or area or areas in question to compile a list, insofar as possible, of affected operators, and a list of their representatives, and
- (e) consult with the committees contemplated in the relevant Grant Frameworks as well as the Intermodal Planning Committee established for the relevant municipality or municipalities in terms of section 15 of the Act and any relevant Land Transport Advisory Boards established in terms of section 16 of the Act.

(2) Before entering into a negotiated contract in terms of section 41 of the Act, the contracting authority must, in addition to taking the steps listed in sub-regulation (1)–

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

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

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

- (a) Alternative services to those that will be provided in terms of the contract as contemplated in section 39(1) of the Act;
- (b) shares or loan accounts in the operating company or companies or entity or entities that will be established or appointed to provide the services in terms of the contract with a view to promoting the economic empowerment of small business or persons previously disadvantaged by unfair discrimination;
- (c) shares or loan accounts in a company or companies or other entity established in the course of restructuring a parastatal or municipal transport operators, or
- (d) compensation or another appropriate inducement.

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

(6) Where an operator to whom an offer has been addressed in terms of sub-regulation (5) fails to accept the offer or to reply to the notice by the date stated for acceptance, the operator will be deemed to have rejected the offer and the contracting authority will not be obliged to negotiate with that operator any further, and the contracting authority must request the regulatory entity not to renew the relevant operating licence or licences held by that operator authorising the proposed contracted services.

(7) Where an operator accepts an offer contemplated in sub-regulation (5), the agreement contemplated in that sub-regulation must include an undertaking by such operator to submit the operating licences or permits held by that operator authorising services on the route or routes that will be operated in terms of the proposed contract, for cancellation, amendment or conversion, as the case may be, to remove authorisation for any services that will compete with the services to be provided in terms of the contract.

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

(9) Any benefit accruing to an operator in terms of an agreement contemplated in sub-regulation (4) may not be paid or transferred to the operator until that operator has complied with sub-regulation (7), subject to sub-regulation (8).

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

Operational and business plans

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

- (a) the need and desirability for the contract which is necessary or advisable to address the needs of passengers and employers in the relevant area or on the relevant routes and reasons why existing passenger transport services are inadequate;
- (b) a reference to the transport needs assessment of the relevant ITP or ITPs and how it provides for or gives rise to the need for the contract;
- (c) the estimated financial implications of the proposed contract for the contracting authority specifically and for the fiscus generally and in the case of a negotiated

- contract or subsidised service contract how the contract will provide value for money in terms of the dispensing of subsidies;
- (d) as regards the financial implications of the proposed contract, a multi-year financial operational plan, approved by the municipal council in the case of a municipality, covering the full duration of the contract for each phase funded in terms of the relevant Grant Framework and including operating and maintenance costs and universal design access plans;
 - (e) verified data on operator revenue and profitability;
 - (f) how the contract will promote fiscally and financially sustainable public transport services by estimating fare revenue and other expected revenue, and setting it off against expected expenditure;
 - (g) in the case of a negotiated contract, a short description of the negotiation process and the parties with whom negotiations were conducted;
 - (h) in the case of interprovincial services, a description of engagements with and agreements between the contracting authority, the province and other relevant province or provinces and the other municipality or municipalities;
 - (i) in the case of intra-provincial cross-boundary services, a description of engagements with and agreements between the contracting authority, the province and the other relevant municipality or municipalities, and
 - (j) the arrangements made or to be made for supervision and monitoring of the services that will be provided in terms of the contract.

Transition from existing contracting arrangements

5. (1) As required by section 42(1) of the Act a contracting authority must commence with the activities contemplated in regulation 3(1) to put in place a new contract not later than two years before the anticipated expiry of a contract where the relevant ITP or ITPs show that passengers on the relevant routes or in the relevant area or areas still require contracted services.

(2) Where an adequate ITP or ITPs is or are not available for the purpose contemplated in sub-regulation (1) the contracting authority must use all other information available to it for the purposes of designing the contract or contracts as contemplated in section 93(4) of the Act subject to the proviso to regulation 3(1)(a).

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

(4) The contracting authority must advise passengers by means of one or more public meetings or by leaflets distributed or left at terminals, bus stops and other facilities, or by notices in local newspapers or other appropriate means, of the new

operator and of any changed circumstances applicable to the new contract or the changeover to the new contract.

General requirements

6. (1) In negotiating or concluding contracts in terms of the Act the contracting authority must consider—

- (a) subject to section 41(1) of the Act, in the case of a municipality, the procurement provisions of the MFMA and the supply chain management policy of the municipality contemplated in section 111 of that Act, and in the case of a province the procurement provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999) and the Treasury Regulations made in terms of that Act, as well as the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000) or legislation replacing that Act;
- (b) any requirements and model tender and contract documents prescribed or provided in terms of section 42(6) of the Act;
- (c) the Regulations Relating to Integrated Fare Systems, 2011 promulgated under Notice R.511 in *Government Gazette* 34363 of 17 June 2011;
- (d) universal design and access requirements and standards published by the Department, or by the Minister in terms of section 8(1)(y) of the Act, and those published in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and generally ensure that there is provision for the needs of targeted categories of passengers;
- (e) relevant policies to promote non-motorised transport and accessible transport regarding both public transport operations and infrastructure;
- (f) the need to prevent, minimise or reduce the impact of transport on the environment in terms of an environmental strategy by means including the promotion of environmental friendly public transport and non-motorised transport, combatting climate change and reducing greenhouse gas emissions and considering energy efficiency and emission standards, and possibly mandatory specifications for average fleet emissions;
- (g) integration between different modes and services;
- (h) the need to promote the economic empowerment of small business and persons previously disadvantaged by unfair discrimination and to prevent the rise or continued existence of monopolies created by previous unfair legislation or practices;
- (i) section 197 of the Labour Relations Act, 1995 (Act No. 66 of 1995) and other applicable labour legislation during the transition from one contract to another, where relevant, and
- (j) where the proposed operator has provided services in terms of a previous contract with the contracting authority or any other organ of state, the past performance of the operator in performing that previous contract.

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

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

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

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

(5) Where a proposed contract will impose financial obligations on a municipality beyond the three years covered in its annual budget the municipality must comply with section 33 of the MFMA.

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

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

Requirements for tenderers

7. (1) The tender and contract documents contemplated in section 42(6) of the Act must include that to qualify as a tenderer for a subsidised service contract, an operator and, where appropriate, any person or entity exercising

ownership control over an operator, or performing services on behalf of, or in the capacity as agent of, an operator must comply with the following requirements:

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

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

- (a) the business of the operator's undertaking is conducted separately from that of another entity or undertaking or any other organisation;
- (b) the operator keeps separate accounting records, in accordance with generally accepted accounting practice and procedures, of its assets, liabilities, income, expenditure, profits and losses;
- (c) the operator's undertaking is financially sustainable in terms of its financial statements, and
- (d) the operator has no unfair advantage as regards access to financial or other support or resources from any organ of state as defined in section 239 of the Constitution, unless such advantage is part of a scheme which applies generally, approved by the contracting authority, to protect or advance public transport operators disadvantaged by unfair discrimination or to assist small businesses; provided that any advantage emanating from a subsidised service contract is not deemed to be an unfair advantage for the purposes of this sub-regulation.

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

- (a) keep separate record, in accordance with generally accepted accounting practices and procedures, of his or her or its financial position, performance, flow of funds and change in financial position;
- (b) undergo an annual audit by a person registered in terms of the Auditing Profession Act, 2005 (Act No. 26 of 2005);
- (c) comply with the requirements of sub-regulation (1), and
- (d) not enjoy an unfair advantage emanating from an organ of state, subject to the proviso to sub-regulation (2)(d).

(4) For the purpose of this regulation—

- (a) “ownership control” means control by one person or entity over another as contemplated in section 2 of the Companies Act, 2008 (Act No. 71 of 2008), and
- (b) “unfair advantage” means, but is not limited to—
- (i) the receipt by an operator of any direct or indirect benefit, including funds, resources, donations, grants, consideration or other advantage, whether financial or otherwise, which is not available on the same terms and conditions to all other potential operators;
 - (ii) the direct or indirect guarantee or honouring of any of the obligations of the operator, including the arrangement or facilitation thereof;
 - (iii) the direct or indirect provision of a loan bearing no interest, or interest at a substantially lower rate than would be available commercially to a similar operator under similar conditions, or a loan in respect of which interest payments are deferred for a period of more than six months, including the arrangement or facilitation of the granting of any such loan, or
 - (iv) allowing an operator to make use, or failing to prevent an operator from making use, of any public resources, including infrastructure, property, facilities, assets, human resources, systems, expertise or intellectual property, or facilitating such action, which would not be available to another similar operator on the same terms and conditions.

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

Assistance by provinces

8. (1) A province may assist a municipality or more than one municipality with the conclusion of a contract or may conclude a contract as agent of a municipality or on behalf of the municipality or municipalities as contemplated by section 238(b) of the Constitution, or for the joint exercise or performance of their respective powers or functions as contemplated in section 12(1) of the Act.

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

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

- (b) measures that will be undertaken by the province to build capacity and resources into the municipality or municipalities as contemplated by section 154(1) of the Constitution and section 11(1)(b)(v) and (vi) of the Act, and
- (c) an undertaking by the municipality or municipalities that they commit to availing resources to be capacitated in building municipal capacity or agree to take over resources that may be sourced and trained by the province for that purpose.

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

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

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

Transitional provisions

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

(2) Negotiations conducted with operators by a contracting authority before the date of coming into operation of these regulations remain valid including all actions taken by a contracting authority in preparation for formal contract negotiations.

Repeal of previous regulations on contracting for public transport services

10. The National Land Transport Regulations on Contracting for Public Transport Services made in terms of the Act and published under Government Notice No. R.877 in *Government Gazette* 32535 on 31 August 2009 are hereby repealed.

CHAPTER 2: REGULATIONS ON ELECTRONIC-HAILING SERVICES

Definitions for Chapter 2

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

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

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

“data message” means data message as defined in the ECTA;

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

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

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

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

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

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

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

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

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

Application of Chapter 2

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

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

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

Requirements for e-hailing services

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

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

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

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

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

(4) The regulatory entity must communicate a decision to the applicant not later than 60 days after receipt of the application for conversion if the application

complies with the Act, this regulation and the relevant provisions of the National Land Transport Regulations, 2009.

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

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

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

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

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

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

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

(5) The National Public Transport Regulator must register the platform provider if the application is compliant and the platform provider complies with these Regulations and has provided acceptable details of the premises contemplated in sub-regulation (6), and must issue a registration certificate to the platform provider.

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

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

(8) Platform providers must renew their registration every seven years calculated from the date of registration by following a similar process to the original registration process provided for in this regulation.

Minimum specifications for e-hailing platform

16. (1) An e-hailing platform must have at least the following functionalities for the passenger:

- (a) A user must be able to sign up with the e-hailing platform app.
- (b) Provision for the creation of a trip request with end destination.
- (c) Provision for section of a service including categories where the e-hailing platform management company provides for varying service offerings.
- (d) The user must be able to check the price for the ride beforehand.
- (e) The app must enable the user to view live billing as the ride is taking place.
- (f) The user must be able to interact with the driver after the driver has been allocated to the user.
- (g) Provision for push notifications to keep the user up-to-date with the trip request status, driver arrival time, driver and car details including live tracking of the driver's location from ride acceptance to completion.
- (h) The user must be able to contact the driver through the app.
- (i) The platform must enable a user to book the ride for another traveller from own account.
- (j) Payment must be able to be done automatically after the ride is complete, where the rider is making electronic or card payment.
- (k) The user must be able to select a payment method including adding a credit card or debit card beforehand, where it is the user choice of payment.
- (l) The user must be able to review the driver when the trip is complete.
- (m) Panic buttons must be provided in case of emergency which are connected to relevant private security service providers or vehicle tracking providers appointed by the operator, and are tested regularly, at least once a month to ensure that they are still functional.
- (n) Panic buttons contemplated in paragraph (m) must be capable of being accessed and used by passengers as well as by the driver of the vehicle.

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

- (a) The platform must provide for the driver profile and status which must include the following details:
 - (i) a photograph of the driver not older than 12 months;
 - (ii) details of the driver's valid driving licence;
 - (iii) details of the driver's professional driving permit, including expiry dates, and
 - (iv) the motor vehicle details including at least make, model, date of first registration in terms of the National Road Traffic Act, registration number and colour.
- (b) The driver must be able to receive trip orders to accept or decline, including passenger information regarding the location and destination.
- (c) The platform must provide the driver with navigation and route optimisation that offers the best trip route option.
- (d) There must be driver delivery reports that provide the driver with daily, weekly, and monthly information regarding trips and earnings, where applicable.
- (e) The app may also be capable of charging the user for waiting time starting from a defined parameter as additional cost on top of the base fare.
- (f) The app must be able to provide the driver with a heat map that enables the driver to be aware of high demand areas.

Minimum requirements for e-hailing platform administration function

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

- (a) Driver and user management;
- (b) Location and fares management using the latest updated maps;
- (c) Booking and payment management;
- (d) Vehicle management;
- (e) Driver orders and payoffs management, and
- (f) Customer service centre to report passenger experiences.

E-hailing service agreements

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

- (a) The legal names of the parties as reflected in the identity card or other identity document acceptable to the regulatory entity in the event of natural persons and names as reflected at the institution where the entity is registered in the event of a juristic person.

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

Minimum safety requirements for e-hailing services

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

- (a) the applicant includes a Criminal Record Report issued by the South African Police Service regarding the driver of the vehicle, reflecting that he or she does not have criminal record in South Africa that will make him or her not eligible to convey passengers for reward in South Africa;
- (b) the driver has signed a declaration stating that there are no pending criminal investigations against him or her in South Africa or in another country that may result in conviction for an offence by a court of law, where such offence could have a bearing on the provision by the driver of public transport services;
- (c) the driver holds a relevant driving licence and professional driving permit as required by the National Road Traffic Act;
- (d) the motor vehicle is fitted with a panic button as required by regulation 16(1)(m), and
- (e) the motor vehicle is marked with the information contemplated in regulation 26(1).

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

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

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

Suspension or cancellation of access to e-hailing platform

21. (1) The e-hailing platform provider may suspend or cancel access to the e-hailing platform of the operator and the operator's driver as soon as it becomes aware of non-compliance with the access conditions, provided it first gives notice of its intention to suspend or cancel such access, giving reasons for the intended suspension or cancellation and calling the operator to show cause why access should not be suspended or cancelled within 48 hours of such notice.

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

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

Use of more than one e-hailing platform provider

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

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

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

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

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

Minimum requirements for electronic equipment used for e-hailing services

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

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

E-receipt for passengers

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

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

- (a) The name and business address of the operator;
- (b) The operating licence number issued for the motor vehicle conveying the user;
- (c) The e-hailing platform provider used for the service;
- (d) The start and end points plus amount paid for the ride;
- (e) The date and time the receipt was issued corresponding with the time of the ride by the user;
- (f) The name of the driver, and
- (g) The make, model and registration number of the motor vehicle used for the ride.

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

(4) An operator who fails to issue an electronic receipt in terms of this regulation commits an offence.

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

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

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

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

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

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

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

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

- (a) Requesting records pertaining to any operator licensed with that e-hailing platform provider and using the e-hailing platform provider concerned;
- (b) Requesting any information necessary for transport planning purposes;
- (c) Requesting any other information or a response arising out of any inquiry where the e-hailing platform provider is involved;
- (d) In the event of any contravention of the Act or these regulations or licensing conditions pertaining to an operator licensed using the e-hailing platform provider, or
- (e) Any other matter that the National Public Transport Regulator, a regulatory entity or a planning authority considers relevant for the purposes of its powers and functions in terms of the Act.

(2) An e-hailing platform provider who fails to provide the information required in terms of sub-regulation (1) commits an offence.

Transitional and final arrangements

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

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

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

(4) An e-hailing platform provider that is also an operator is subject to all of the provisions of the Act and these regulations applying to operators.

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

Definitions for Chapter 3

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

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

Application of Chapter 3

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

Conversion of permits and operating licences to definite period operating licences

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

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

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

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

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

(6) The permit or operating licence sought to be converted must be linked to a motor vehicle of which the holder of the operating licence is registered as the owner or operator of the vehicle in terms of the National Road Traffic Act as required by section 64(1) of the Act, and have been used to provide the services authorised by such permit or licence for the minimum duration of 180 days prior to the application for conversion.

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

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

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

(2) The regulatory entities must issue invitations by a notice or notices in newspapers circulating in the relevant area and by placing notices at their offices and at appropriate public transport ranks or terminals as well as on the website of the relevant entity, for persons who have been operating without permits or operating licences to apply for the required licences as special applications in terms of this regulation.

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

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

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

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

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

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

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

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

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

- (a) conduct a survey on the route or routes or corridor or area targeted for the moratorium, which must include a list of all operators and vehicles operating on the route or routes or corridor or area providing non-contracted public transport services, including details of operating licences authorising such services, a list of vehicles operating such services without operating licences, the names of associations of which the operators are members as well as any other relevant information that the planning authority may consider in compliance with the Act: Provided that such a survey is not necessary if the planning authority has a current ITP that already contains the required information;
- (b) compile a list of operators that are lawfully operating on the route or routes or in the corridor or area;
- (c) consult with operators contemplated in paragraph (b) and their representatives, the MEC and the regulatory entity responsible for issuing operating licences to them;
- (d) comply with all of the local government legislation regarding public consultation, to the extent required in arriving at and taking a decision to declare a moratorium;
- (e) request the assistance of the MEC or the Minister where it has identified the need for a moratorium but does not have the relevant ITP or funds to conduct a survey in terms of paragraph (a), and
- (f) after consultation in terms of paragraph (c) make a decision that must be communicated to all the consulted stakeholders by written correspondence or through a notice in the *Gazette*.

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

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

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

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

Effect of moratorium on pending applications for operating licences

34. Where a moratorium is imposed in terms of this Chapter, applications for operating licences pending before the regulatory entity on the date of commencement of the moratorium must be processed by the regulatory entity, and if the application is granted the relevant operating licence must be issued despite the moratorium.

Invitation for applications for operating licences during a moratorium under special circumstances

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

CHAPTER 5: GENERAL PROVISIONS

Rationalising services

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

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

- (e) where appropriate direct the regulatory entity to impose a moratorium on new applications for operating licences on the relevant route in terms of section 55(3) of the Act.

Offences and penalties

37. (1) An operator who—

- (a) contravenes regulation 14(6);
- (b) fails to notify the regulatory entity when access to the platform provider has been suspended or cancelled in terms of regulation 21(3), or
- (c) fails to issue an electronic receipt for e-hailing services that complies with regulation 25,

commits an offence.

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

(3) Any person who contravenes regulation 15(7) commits an offence.

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

38. Amendment of National Land Transport Regulations, 2009

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

- (a) adding the following sub-regulations in regulation 30 after sub-regulation (5):

“(6) The particulars of an application for accreditation published in terms of section 81(2A) of the Act must include—

- (a) the name and business address or addresses, and if applicable, the trading name or names, of the applicant;
- (b) particulars of the motor vehicles of the applicant for which simultaneous application is being made for operating licences in terms of sub-regulation (7), and
- (c) a description of the tourist transport services provided or proposing to be provided by the applicant as specified in the application for accreditation.

(7) An application for accreditation in terms of sub-regulation (1) must include applications for operating licences for the motor vehicles used or to be used by the applicant for providing the relevant tourist transport services where such licences have not already been obtained.”

- (b) renumbering the third paragraph of sub-regulation 34A(1) as paragraph (c) and replacing the words “Form 5AA” in that sub-regulation with the words “Form 1A”;
- (c) deleting the words “as contemplated in regulation 35A(1)” in regulation 35(1);
- (d) replacing the words “Form 5AA” in sub-regulation 35(2) with the words “Form 1A”;
- (e) replacing sub-regulation 36(1) with the following:

“(1) Where the NPTR has certified a tourist transport vehicle in terms of section 84 of the Act and regulation 35 for an operator that has been accredited in terms of section 81 of the Act, such accredited operator must apply for an operating licence for that vehicle to operate tourist transport as contemplated in regulation 35, by completing Form 1A [5AA] in Schedule 1, and where the operator has previously been accredited, such an application shall not be required to be published in terms of section 59 of the Act.”
- (f) deleting Form 5AA as well as the reference to it in the List of Forms;
- (g) replacing Forms 1A and 1B with the attached forms;
- (h) inserting the attached Form 9A as a new form;

Short title and commencement

39. These regulations are called the Second National Land Transport Regulations, 2025 and come into operation on the date of their publication in the *Gazette*.



DEPARTMENT OF TRANSPORT

National Public Transport Regulator

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

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

SECTION A (Compulsory for all application types)

TYPE OF APPLICATION

This application is for:

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

SECTION B (Compulsory for all application types)

PARTICULARS OF APPLICANT

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

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

FORM 1A PAGE 3

SECTION C (Compulsory for all application types)

PARTICULARS OF PERSON RESPONSIBLE FOR A JURISTIC PERSON

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

Surname

First names (not more than 3)

Identity number

Type of identification

RSA identity number	Passport
Other (specify)	

Telephone number Code

Cell number

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

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

Operating licence number/permit number

REGULATORY ENTITY which issued the operating licence/permit

Date of issue / / Expiry date / /

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

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

SECTION E (Compulsory for application types 2)

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

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

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

Type of identification

RSA identity document	Temporary identity certificate
Passport	Foreign identity document
Founding statement	Certificate of incorporation
Letters of Authority (trust)	Partnership Agreement

*Attach a certified copy

Identity no./passport no./ business registration number

Trade name (if applicable)

Type of business

FORM 1A PAGE 6

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

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

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

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

SECTION H (Compulsory for all application types)

AUTHORISED RANKS AND TERMINALS

State the authorised ranks and terminals used or to be used

SECTION I

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

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

Type of contract	Subsidised Service Contract	Negotiated Contract	Commercial Contract
------------------	-----------------------------	---------------------	---------------------

Contract reference number

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

Names of parties to The contract

1	
2	

FORM 1A PAGE 8

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

Vehicle 1:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased? YES NO

Vehicle 2:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased? YES NO

Vehicle 3:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

FORM 1A PAGE 10

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

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

Operating Licence 3:

Operating Licence number

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

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

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

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

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

FOR OFFICE USE ONLY

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

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

Reference number

Receipt number

Amount paid R

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

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

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

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

FORM 1A PAGE 11

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

PROVINCIAL LOGO

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

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

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

SECTION A (Compulsory for all application types)

TYPE OF APPLICATION

This application is for:

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

SECTION B (Compulsory for all application types)

PARTICULARS OF APPLICANT

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

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

Type of identification

*Attach a certified copy

RSA identity document	<input type="checkbox"/>	Temporary identity certificate	<input type="checkbox"/>
Passport	<input type="checkbox"/>	Foreign identity document	<input type="checkbox"/>
Founding statement	<input type="checkbox"/>	Certificate of Incorporation	<input type="checkbox"/>
Letter of Authority	<input type="checkbox"/>	Partnership Agreement	<input type="checkbox"/>

Identity no./passport no./
business registration number

Trade name (if applicable)

Type of business

Postal address and code

 Postal Code

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

Telephone number(s) Code
 Code

Facsimile number (if any) Code

E-mail address (if any)

Income tax registration
number
[Attach original Tax Clearance Certificate]

SECTION C (Compulsory for all application types)

PARTICULARS OF PERSON RESPONSIBLE FOR A JURISTIC PERSON

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

Surname

First names (not more than 3)

Identity number

Type of identification

RSA identity number	Passport
Other (specify)	

Telephone number Code

Cell number

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

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

Operating licence
number/permit number

REGULATORY ENTITY which
issued the operating
licence/permit

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

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

FORM 1B PAGE 3

SECTION E (Compulsory for all application types)

PARTICULARS OF APPLICANT

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

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

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

Identity no./passport no./ business registration number

Trade name (if applicable)

Type of business

Postal address and code

 Postal Code

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

Telephone number(s) Code
 Code

Facsimile number (if any) Code

E-mail address (if any)

Income tax registration number

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

**Include written consent of transferor*

SECTION F (Compulsory for all application types)

TYPE OF PUBLIC TRANSPORT SERVICE

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

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

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

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

Other type of service (describe)

Number of passengers that will be carried

--	--	--

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

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

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

YES	NO
-----	----

If NO, give reasons

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

FORM 1B PAGE 7

.....
Signature

.....
Date

.....
Name of person

Name of legal entity (if applicable)

SECTION L (Compulsory for all application types)

VEHICLES DETAILS

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

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

Number of vehicles to be purchased:

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

Vehicle 1:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased? YES NO

Vehicle 2:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased? YES NO

Vehicle 3:

Vehicle registration number

Vehicle identification number (VIN)

Type of vehicle

Year of manufacture

Make of vehicle

Number of passengers to be carried

Number of kilometres travelled Already purchased YES NO

SECTION M- FOR OFFICE USE ONLY

OTHER CONDITIONS IMPOSED BY THE REGULATORY ENTITY (if applicable)

This operating licence is issued subject to the following conditions

*Or attach conditions imposed as a schedule

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

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

OPERATING LICENCE PARTICULARS

Operating licence 1

Operating Licence number

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

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

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

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

Operating Licence 2:

Operating Licence number

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

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

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

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

Operating Licence 3:

Operating Licence number

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

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

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

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

FORM 1B PAGE 11

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

FORM 9A PAGE 2

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

Postal Code

Telephone number (s)

	Code
--	------

	Code
--	------

Facsimile number (if any)

	Code
--	------

E-mail address (if any)

--

Income tax registration number

--

[Attach original Tax Clearance Certificate or SARS Tax Compliance Status PIN letter]

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

** delete the part that is not applicable to the application.

SECTION B

PARTICULARS OF THE CONTACT PERSON BETWEEN THE E-HAILING PLATFORM PROVIDER AND THE NPTR

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

Surname

--

First names (not more than 3)

--

Identity number

--

Type of identification

RSA identity number	Passport
Other (specify)	

Telephone number

	Code
--	------

Cell number

	Code
--	------

SECTION C

PARTICULARS OF EQUIPMENT REQUIRING TYPE APPROVAL AND TYPE APPROVAL CERTIFICATES

*There must be a list of equipment on a separate page and attach the approval certificate for each item.

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

UMNYANGO WEZOKUTHUTHA**UMTHETHO KAZWELONKE WEZOKUTHUTHA EZIHAMBA PHANSI, WEZI-2009
(UMTHETHO 5 WEZI-2009)****IMITHETHONQUBO YESIBILI KAZWELONKE YEZOKUTHUTHA EZIHAMBA
PHANSI, YEZI-2025**

UNgqongqoshe Wezokuthutha wenze imithetho kwiSheduli ngokwesigaba 8(1) (a) soMthetho Kazwelonke Wezokuthutha Ezihamba Phansi, wezi-2009 (uMthetho 5 wezi-2009), ngemuva kokubonisana noNgqongqoshe Bezifundazwe.

**NKSZ. BD CREECY, ILUNGU LEPHALAMENDE
UNGQONGQOSHE WEZOKUTHUTHA
USUKU:**

ISHEDULI**UKUHLELWA KWEMITHETHO**

1. Izincazelo

**ISAHLUKO 1: IMITHETHO YOKUNGENA ESIVUMELWANENI SOKUTHUTHA
UMPHAKATHI**

2. Izincazelo zeSahluko 1
3. Izimfuneko zezivumelwano
4. Izinhlalo zokusebenza nezamabhizinisi
5. Ushintsho ezivumelwaneni ezikhona
6. Izimfuneko ezijwayelekile
7. Izimfuneko zabafakela amathenda
8. Usizo lwezifundazwe
9. Imihlinzeko yesikhashana
10. Ukuchithwa kwemithethonqubo yangaphambilini yokungena esivumelwaneni sokuthutha umphakathi

**ISAHLUKO 2: IMITHETHO YEMISEBENZI YOKUTHUTHA YE-ELECTRONIC
HAILING**

11. Izincazelo zeSahluko 2
12. Ukusetshenziswa kweSahluko 2
13. Izimfuneko zokuthutha nge-*e-hailing*

14. Ukuguqulwa kwamalaysense okuthutha e-e-hailing akhishwe ngaphambi kokuqala ukusebenza kwesigaba 66A soMthetho
15. Izimfuneko zezisetshenziswa ze-e-hailing (ama-app) kanye nabahlinzeki benkundla ye-e-hailing
16. Izinto ezincane okumele inkundla ye-e-hailing ibe nazo
17. Izimfuneko ezincane zomsebenzi wokuphatha inkundla ye-e-hailing
18. Izivumelwano zemisebenzi yokuthutha ye-e-hailing
19. Izimfuneko zokuphepha ezincane zemisebenzi yokuthutha ye-e-hailing
20. Izimfuneko zomhlinzeki wenkundla ye-e-hailing ukuze anikeze ukufinyelela ekusebenziseni ingqalasizinda yayo kanye nezinsizakalo
21. Ukumiswa noma ukukhanselwa kokufinyelela enkundleni ye-e-hailing
22. Ukusetshenziswa kwabahlinzeki benkundla ye-e-hailing abangaphezu koyedwa
23. Izimfuneko ezincane zesigungu sokulawulwa kwezomthetho ukuze sinikeze ilaysense yokuthutha ye-e-hailing
24. Izidingo ezincane zezinto zikagesi ezisetshenziselwa imisebenzi yokuthutha ye-e-hailing
25. Irisidi ye-Elekhroniki yabagibeli
26. Ukumaka kanye nokufaka uphawu lwezimoto ezisetshenziselwa imisebenzi yokuthutha ye-e-hailing
27. Izaziso zesigungu sokulawulwa kwezokuthutha kanye nesiphathimandla sokuhlela eziya kumhlinzeki wenkundla ye-e-hailing
28. Amalungiselelo esikhashana nawokugcina

ISAHLUKO 3: IMITHETHO YOKUGUQULWA KWAMAPHEMITHI KANYE NAMALAYISENSI OKUTHUTHA ANGENAMKHAWULO ABE NGAMALAYISENSI OKUTHUTHA ADINGWA UMTHEMHO.

29. Izincazelo zeSahluko 3
30. Ukusetshenziswa kweSahluko 3
31. Ukuguqulwa kwamaphemithi namalaysense okuthutha abe amalaysense okuthutha esikhathi esinqunyiwe
32. Ukugunyazwa kwabantu abafanelekile abangenawo amaphemithi noma amalaysense okuthutha

ISAHLUKO 4: UKUMISWA KWEZICELO ZAMALAYISENSI OKUTHUTHA EMISEBENZI YOKUTHUTHA ENGENASIVUMELWANO

33. Ukuphoqelela ukumiswa kwezicelo zamalaysense okuthutha emisebenzi yokuthutha engenasivumelwano
34. Umthelela wokumiswa kwezicelo ezisalindile zamalaysense okuthutha
35. Isimemo sezicelo zamalaysense okuthutha ngesikhathi sokumiswa ngaphansi kwezimo ezikhethekile

ISAHLUKO 5: IMIHLINZEKO EJWAYELEKILE

- 36. Ukuphungula imisebenzi yokuthutha
- 37. Amacala nezijeziso
- 38. Ukuchitshiyelwa Kwemithetho Kazwelonke Yezokuthutha Ezihamba Phansi, Yezi-2009
- 39. Isihloko esifushane kanye nokuqalisa

Izincazelo

1. Kule mithethonqubo, ngaphandle uma ingqikithi isho okuhlukile, noma yiliphi igama noma isisho esinikezwe incazelo eMthethweni, sinencazelo efanayo, futhi la magama nezisho ezilandelayo zinezincazelo ezinikezwe zona:

“**I-ITP**” ichaza uhlelo lokuhlanganiswa kwezinto zokuthutha oluhlongozwe esigabeni 36 soMthetho;

“**Izimfuneko Ezincane**” zisho Izimfuneko Ezincane Zokulungiswa Kwezinhlelo Zokuthutha Ezididiyelwe, zowezi-2016 ezenziwe ngokoMthetho futhi zashicilelwa ngaphansi kweSaziso 881 *kuGazethi Kahulumeni* 40174 yamhla zingama-29 kuNtulikazi wezi-2016;

“**Imithetho Kazwelonke Yezokuthutha Ezihamba Phansi, Yezi-2009**” ichaza iMithethonqubo Kazwelonke Yezokuthutha Ezihamba Phansi, Yezi-2009 eyenziwe ngokoMthetho futhi yanyatheliswa ngaphansi kweSaziso R.1208 *kwiGazethi Kahulumeni* 32821 yangomhla ziyi-17 kuZibandlela wezi-2009 njengoba ichitshiyelwe yiSaziso R.366 *kuGazethi kaHulumeni* 33185 yangomhla ziyi-14 *kuNhlaba kanye neSaziso* 2670 *kuGazethi kaHulumeni* 51003 yangomhla zi-2 kuNcwaba wezi-2024, kanye

“**uMthetho**” noma “**lo Mthetho**” kusho uMthetho Kazwelonke Wezokuthutha ezihamba Phansi, wezi-2009 (uMthetho 5 wezi-2009).

ISAHLUKO 1: IMITHETHO YOKUNGENA ESIVUMELWANENI SOKUTHUTHA UMPHAKATHI

Izincazelo zeSahluko 1

2. Kulesi Sahluko, ngaphandle uma ingqikithi ikhombisa okuhlukile, noma yiliphi igama noma isisho esinikezwe incazelo eMthethweni noma kumthethonqubo 1, sinencazelo efanayo, futhi la magama nezisho ezilandelayo zinezincazelo ezinikezwe zona:

“**umninimoto othintekile**” njengoba kuhlangozwe esigabeni 41(2) soMthetho kushiwo umninimoto-

- (a) onamalayisense okuthutha asebenzayo noma amaphemithi okuthutha kulo msebenzi wokuthutha othintekayo;
- (b) obelokhu enza lowo msebenzi wokuthutha okungenani izinsuku eziyi-180 ngaphambi kosuku lwesaziso esishicilelwe ngokomthethonqubo 3(2) (a) ; futhi
- (c) endabeni yesivumelwano esihlongozwe esigabeni 41(1) soMthetho owenza umsebenzi wokuthutha kumzila noma emizileni noma endaweni ezothintwa yisivumelwano esihlongozwayo okuxoxiswana ngaso futhi ogibelisa noma

owehlisa abagibeli kulowo mzila noma emizileni endaweni ethintekayo futhi akathuthi kulowo mzila noma indawo;

“okufanele” esigabeni 41(2) soMthetho kusho ukuthi abaninizimoto abangathintekanga kumele bakhishwe ezingxoxweni ezihlongozwe esigabeni 41(2) soMthetho njengoba kuhlangozwe kuleso sigaba;

“umsebenzi wokuthutha onqamula imingcele” kushiwo umsebenzi wezokuthutha umphakathi noma inethiwekhi yemisebenzi yezokuthutha eyeqa umngcele wendawo enegunya lokuphatha likamasipala othile ukuya kweyomunye umasipala noma omasipala;

“i-DORA” ichaza uMthetho Wokuhlukaniswa Kwemali Engenayo ohlongozwe esigabeni 214(1) soMthethosisekelo wonyaka wezimali okukhulunywa ngawo;

“Uhlaka Lwezibonelelo” kushiwo uHlaka Lwezibonelelo Ezishicilelwe kulo nyaka wezimali okukhulunywa ngawo ngokwe-DORA;

“i-MFMA” ichaza i-*Local Government: Municipal Finance Management Act* 56 wezi-2003, kanye

“IGRFA” ichaza i-*Intergovernmental Relations Framework Act* 13 wezi-2005.

Izimfuneko zezivumelwano

3. (1) Ngaphambi kokungena esivumalwaneni ngokwesigaba 41 noma 42 soMthetho isiphathimandla sokungenisa kusivumelwano kufanele-

- (a) esimweni sikamasipala, sithuthukise futhi siqedele i-ITP yawo futhi sithole ukugunyazwa kwalokho njengoba kudingwa isigaba 36 soMthetho esifundwe nezimfuneko Ezincane lapho besingakenzi, nalapho kufanele khona, sibuyekeze i-ITP ngendlela edingwa yiZimfuneko Ezincane, ngokulawulwa yisigaba 93(4) soMthetho; inqobo nje uma leso sigaba sisetshenziswa umasipala kumele okungenani abe -
- (i) uklame inethiwekhi yemisebenzi yokuthutha enesivumelwano kanye nengenaso isivumelwano ezinenkontileka nezingezona izinkontileka futhi walungisa uhlelo lwemisebenzi yezokuthutha enesivumelwano ngendlela edingekayo engxenyeni yohlelo lwezokuthutha zomphakathi lwe-ITP, noma
 - (ii) wenze ucwaningo ukuze kutholwe izidingo zezithuthi zomphakathi zikamasipala noma ingxenye kamasipala efuna ukufakwa ngaphansi kwesivumelwano esihlongozwayo;
- (b) sihlizzekele ukufakwa kwezimfuneko kanye nemibandela emenyezelwe ohlakeni lwezibonelelo noma izinhlaka ezihlinzekiwe zokuxhasa ngezimali imisebenzi ehlongozwayo eshicilelwe ngokwe-DORA efanele;

- (c) silungise uhlelo lokusebenza kanye nebhizinisi njengoba kuhlangozwe oHlakeni Lwezibonelelo ezihambisana nomthethonqubo 4;
- (d) senze ucwaningo kumzila noma emizileni noma endaweni noma ezindaweni okukhulunywa ngazo ukuze kuhlanganiswe uhlu, ngangokunokwenzeka, lwabaninizimoto abathintekayo, kanye nohlu lwabameleli babo, futhi
- (e) sibonisane namakomidi ahlangozwe oHlakeni Lwezibonelelo ezifanele kanjalo neKomidi Elihlelayo Phakathi Kwezinto Zokuthutha Ezingafani elisungulelwe umasipala noma omasipala abathintekayo ngokwesigaba 15 soMthetho kanye nanoma yimaphi amaBhodi Aluleka Ngezokuthutha Ezihamba Phansi asungulwe ngokwesigaba 16 soMthetho.

(2) Ngaphambi kokungena esivumelwaneni okuxoxiswene ngaso ngokwesigaba 41 soMthetho, isiphathimandla esingenisa esivumelwaneni kufanele, ngaphezu kokuthatha izinyathelo ezisohlwini lomthethonqubo (1)–

- (a) sishicilele isaziso ephephandabeni elilodwa noma amaningi azungeza endaweni noma ezindaweni lapho imisebenzi yokuthutha ehlongozwayo izohlizekwa khona esimema abaninizimoto abathintekayo ukuba babhalise kusiphathimandla esingenisa esivumelwaneni ngosuku olushiwo esazisweni;
- (b) ngemuva kokwenza ucwaningo lwabo bonke abaninizimoto abathintekayo abasebenza emizileni efanele noma endaweni noma ezindaweni ezifanele njengoba kuhlangozwe esigatshaneni somthetho 1 (d) , sihlanganise futhi sigcine irejista yabaninizimoto abathintekayo neminingwane yabo yokuxhumana kanye, nalapho kufanele khona, iminingwane yokuxhumana yabameleli babo, futhi
- (c) siqinisekise ukuthi abameleli okukhulunywe ngabo endimeni (b) bagunyazwe ngokubhaliwe ngumninimoto othintekayo ngokuhambisa amandla akhethekile ommeli.

(3) Ngezinjongo zomthethonqubo (2) (b) , esimweni lapho umninizimoto enelayisensi yokuthutha egunyaza imizila eminingana, isiphathimandla esingene esivumelwaneni singase sibheke imizila efakwe umninizimoto lapho sifaka isicelo esigungwini sokulawula izinto zokuthutha selayisensi yokuthutha nemizila ethile egunyaziwe kuleyo layisensi yokuthutha, ekutholeni ukuthi umninizimoto uyathinteka yini.

(4) Isiphathimandla esingene esivumelwaneni kufanele-ke sixoxisane nalabo banini-zimoto abathintekayo, ngabodwana noma ngabameleli babo , ngenhloso yokuphuthula isivumelwano nabanini-moto esingase sihlanganise ukubanikeza okukodwa noma ngaphezulu kwalokhu okulandelayo:

- (a) Eminye imisebenzi yokuthutha kuleyo ezohlizekwa ngokwesivumelwano njengoba kuhlangozwe esigabeni 39(1) soMthetho;

- (b) amasheya noma ama-akhawunti emalimboleko enkampanini ethuthayo noma ezinkampanini noma ezinkampanini ezizosungulwa noma ezizoqokwa ukuthi zenze imisebenzi yokuthutha ngokwesivumelwano ngenhloso yokuthuthukisa amandla ezomnotho okuthuthukisa amabhizinisi amancane noma abantu ababencishwe amathuba ngaphambilini ngenxa yobandlululo olungafanele;
- (c) amasheya noma ama-akhawunti emalimboleko enkampanini noma ezinkampanini noma kwenye inkampane esungulwe ngesikhathi kwakhiwa kabusha abaninizimoto bezithuthi zikamasipala noma bakahulumeni, noma
- (d) isinxephezelo noma enye indlela efanele.

(5) Isiphathimandla esingene esivumelwaneni singakhuluma ngesicelo esibhaliwe kumninimoto noma kubanini-zimoto abahlongozwe kwisigatshana somthethonqubo (2)(b) esisho usuku lokwamukela lokho okunikezwayo, leso saziso okufanele sihanjiswe kumninimoto noma kummeleli wakhe ogunyazwe ngokwesigatshana somthethonqubo (2)(c) ekhelini lendawo noma le-imeyili elibhaliswe ngokwalowo mthethonqubo.

(6) Lapho umninimoto okubhekiswe kuye isithembiso ngokomthethonqubo (5) ehluleka ukwamukela lokho noma ukuphendula isaziso ngosuku olubekiwe lokwamukelwa, umninimoto uyothathwa ngokuthi ukwenqabile lokho okunikezwayo futhi isiphathimandla esingene esivumelwaneni ngeke siphinde siphokelele ukuthi sixoxisane nalowo mnini-moto, futhi isiphathimandla esingene esivumelwaneni kufanele sicele isigungu esilawula izinto zokuthutha ukuthi singayivuseleli ilayisensi yokuthutha noma amalayisensi alowo mnini-moto egunyaza imisebenzi yokuthutha esesivumelwaneni .

(7) Lapho umninimoto amukela okuhlongozwe kwisigatshana somthethonqubo (5), isivumelwano esihlongozwe kulowo mthethonqubo kumele sifake isibophezelo salowo mnini-moto sokuhambisa amalayisensi okuthutha noma amaphemithi alowo mnini-moto agunyaza umzila noma imizila ezosetshenziswa ngokwemibandela yesivumelwano esihlongozwayo, ukukhanselwa, ukuchitshiyelwa noma ukuguqulwa, kuye ngokuthi yikuphi, ukuze kususwe ukugunyazwa kwanoma yimiphi imisebenzi yokuthutha ezobangisana nemisebenzi ezohlinzekwa ngokwemibandela yesivumelwano.

(8) Lapho umninimoto ohlongozwe esigatsheneni somthethonqubo (7) eqhubeka nokuthutha umphakathi kumzila noma emizileni ephula isifungo esinikezwe ngaphansi kwalesi sigatshana noma ephule isivumelwano esihlongozwe kwisigatshana somthethonqubo (4), umninimoto uyolahlekelwa yinoma yimiphi imihlomulo enikezwe lowo mnini-moto ngokomthethonqubo (4) ngemuva kokunikeza umninimoto ithuba elizwakalayo lokunikeza izizathu zokuthi kungani kungafanele aphucwe imihlomulo futhi uma lezo zizathu zingamukeleki kusiphathimandla esingene

esivumelwaneni, futhi imihlinzeko yalo mthethonqubo omncane kufanele ifakwe njengombandela kuleso sivumelwano.

(9) Noma yimuphi umhlomulo otholwa umqhubi ngokwesivumelwano esihlongozwe esigatsheneni somthethonqubo (4) angeke ukhokhelwe noma udluliselwe kumninimoto kuze kube lowo mnini-moto uhambisana nomthethonqubo (7), kuncike kumtheshwananqubo (8).

(10) Ngaphambi kokungena esivumelwaneni sohlobo lohwebo ngokwesigaba 43 soMthetho, isiphathimandla esingena esivumelwaneni kufanele sithathe izinyathelo ezisohlwini lwendima (a), (c) kanye no (e) yesigatshana somthethonqubo (1).

Izinhlelo zokusebenza nezamabhizinisi

4. Izinhlelo zokusebenza nezamabhizinisi ezihlongozwe kumthethonqubo wesi-3(1) (c) kumele okungenani zibhekane -

- (a) isidingo nokufiseleka kwesivumelwano okudingekayo noma okutusekayo ukuthi sibhekane nezidingo zabagibeli nabaqashi endaweni efanele noma emizileni efanele kanye nezizathu zokuthi kungani izinsiza zokuthutha abagibeli zingenele;
- (b) ireferensi yokuhlolwa kwezidingo zokuthutha ze-ITP noma ama-ITP afanelekile nokuthi ihlinzekela noma iveza kanjani isidingo sesivumelwano;
- (c) izilinganiso zezezimali zesivumelwano esihlongozwayo sesiphathimandla esingene esivumelwaneni ngokukhethekile kanye nezezimali ngokuvamile futhi esimweni sesivumelwano okuxoxiswene ngaso noma isivumelwano sokuthutha esinoxhaso ukuthi isivumelwano sizohlizeka kanjani ngenani lemali ngokwemibandela yokukhishwa koxhaso;
- (d) mayelana nemithelela yezezimali yesivumelwano esihlongozwayo, uhlelo lokusebenza lwezimali lweminyaka eminingi, oluvunywe umkhandlu kamasipala esimweni sikamasipala, oluhlanganisa isikhathi esigcwele sesivumelwano sesigaba ngasinye esixhaswe ngemali ngokoHlaka Lwezibonelelo ezithintekayo futhi okuhlanganisa izindleko zokusebenza nokulondoloza kanye nezinhlelo zokufinyelela kumklamo wendawo yonke;
- (e) idatha eqinisekisiwe yemali engenayo yomnini-moto kanye nenzuzo;
- (f) ukuthi isivumelwano sizothuthukisa kanjani imisebenzi yokuthutha umphakathi ngokwezezimali ngokulinganisa imali yokugibela kanye nenye imali engenayo elindelekile, bese ilinganisa ngokubheka izindleko ezilindelekile;
- (g) esimeni sesivumelwano okuxoxiswene ngaso, incazelo emfushane yenqubo yezingxoxo kanye nezinhlangothi okuxoxiswene nazo;
- (h) esimeni sokuthutha okuphakathi kwezifundazwe, incazelo yokuxoxisana nezivumelwano phakathi kwesiphathimandla esingene esivumelwaneni, nesifundazwe kanye nezinye izifundazwe ezithintekayo noma izifundazwe kanye nomunye umasipala noma omasipala;

- (i) esimeni sokuthutha okwenzeka phakathi kwesifundazwe okuwela imingcele yesifundazwe, incazelo yokuxoxisana nezivumelwano phakathi kwesiphathimandla esingene esivumelwaneni, nesifundazwe kanye nomunye umasipala noma omasipala abathintekayo, kanye
- (j) amalungiselelo enziwe noma azokwenziwa ukuze kugadwe futhi kuqashwe imisebenzi ezohlinzekwa ngokwemibandela yesivumelwano.

Ushintsho ezivumelwaneni ezikhona

5. (1) Njengoba kudingwa isigaba 42(1) soMthetho isiphathimandla esingene esivumelwaneni kufanele siqale ngemisebenzi ehlongozwe kumthethonqubo 3(1) ukuze senze isivumelwano esisha ingakapheli iminyaka emibili ngaphambi kokuphelelwa yisikhathi kwesivumelwano lapho i-ITP ethintekayo noma ama-ITP ekhombisa ukuthi abagibeli emizileni ethintekayo noma endaweni noma ezindaweni ezithintekayo basadinga imisebenzi yokuthutha enesivumelwano.

(2) Lapho i-ITP noma ama-ITP anele engekho ngenhloso ehlongozwe esigatshaneni somthethonqubo (1) isiphathimandla esingene esivumelwaneni kufanele sisebenzise yonke eminye imininingwane etholakala kuso ngenjongo yokwakha isivumelwano noma izivumelwano njengoba kuhlangozwe esigabeni 93(4) soMthetho kuncike esimisweni somthethonqubo 3(1)(a).

(3) Isiphathimandla esingene esivumelwaneni kufanele sivumelanise izinhlelo phakathi kwesivumelwano esidala nesisha, futhi isivumelwano esisha kufanele sifakwe kancane ukuze kungabikho ukuphazanyiswa kwemisebenzi yokuthutha kubagibeli abathintekayo, futhi ngokuhambisana nesigaba 197 soMthetho Wobudlelwane Kwezabasebenzi, we-1995 (uMthetho 66 we-1995) kanye neminye imithetho yezabasebenzi esebenzayo.

(4) Isiphathimandla esingene esivumelwaneni kufanele seluleke abagibeli ngomhlangano womphakathi owodwa noma eminingi noma ngamapheshana asakazwe noma ashiywe ezikhumulweni, ezitobhini zamabhasi nakwezinye izindawo, noma ngezaziso emaphephandabeni endawo noma ezinye izindlela ezifanele, ngomnini-moto omusha nanoma yiziphi izimo ezishintshile ezisebenza esivumelwaneni esisha noma ekushintsheleni esivumelwaneni esisha.

Izifuneko ezijwayelekile

6. (1) Ekuxoxisaneni noma ekuphuthuleni izivumelwano ngokoMthetho isiphathimandla esingene esivumelwaneni kufanele sicabangele- -

- (a) ngokweyame esigabeni 41(1) soMthetho, esimweni sikamasipala, imihlinzeko yokuthengwa kwempahla ye-MFMA kanye nenqubomgomo yokuphathwa

kokuhlinzekwa kwempahla kamasipala ehlongozwe esigabeni 111 salowo Mthetho, futhi esimweni sesifundazwe imihlinzeko yokuthengwa kwempahla yoMthetho Wokuphathwa Kwezimali Zikahulumeni, we-1999 UMthetho 1 we-1999) kanye neMithethonqubo kaMgcinimafa eyenziwe ngokwalowo Mthetho, kanye ne-*Preferential Procurement Policy Framework Act* 5 ka-2000 noma umthetho othatha indawo yalowo Mthetho; noma yiziphi izidingo noma umthetho othatha indawo yalowo Mthetho;

- (b) noma yiziphi izimfuneko kanye nezincwadi zamathenda kanye nemibhalo yesivumelwano enqunyiwe noma ehlinzekwe ngokwesigaba 42(6) soMthetho;
- (c) IMithethonqubo Ehlobene Nezinhlelo Zezimali Zokugibela Ezihlanganiswe Ndawonye, yezi-2011 emenyezelwe ngaphansi kweSaziso R.511 ku*Gazethi Kahulumeni* 34363 yangomhla ziyi-17 kuNhlangulana 2011;
- (d) umklamo kanye nezidingo zokufinyelela kanye nemigomo eshicilelwe nguMnyango, noma uNgqongqoshe ngokwesigaba 8(1) (y) soMthetho, kanye naleyo eshicilelwe ngokwe-*National Building Regulations and Building Standards Act* 103 ka-1977, futhi ngokuvamile aqinisekise ukuthi kukhona ukuhlinzekwa kwezidingo zezinhlobo zabagibeli abahlosiwe;
- (e) izinqubomgomo ezifanele zokuthuthukisa ezokuthutha okungezona izimoto kanye nezokuthutha ezifinyeleleka kalula mayelana nokusebenza kwezithuthi zomphakathi nengqalasizinda;
- (f) isidingo sokuvimbela, ukunciphisa noma ukunciphisa umthelela wezokuthutha endaweni ezungezile ngokwesu lemvelo ngendlela ehlanganisa ukugqugquzelwa kwezithuthi zomphakathi ezingalimazi imvelo nezokuthutha okungezona izimoto, ukulwa nokuguquguquka kwesimo sezulu kanye nokunciphisa ukukhishwa kwamagesi abamba ukushisa nokucutshungulwa kwemigomo yokonga ukagesi kanye nokukhishwa kwemfucumfucu, kanye nemibandela engaba yimpoqo mayelana nokungcolisa okumaphakathi;
- (g) ukuhlanganiswa phakathi kwezinto zokuthutha ezingafani nemisebenzi yokuthutha engafani;
- (h) isidingo sokuthuthukisa ukufukulwa kwezomnotho kwamabhizinisi amancane kanye nabantu ababencishwe amathuba phambilini ngenxa yobandlululo olungafanele kanye nokuvimbela ukwanda noma ukuqhubeka nokuba khona kodlame oludalwe yimithetho engalungile noma izinqubo zangaphambilini;
- (i) isigaba 197 soMthetho Wezobudlelwano Kwezabasebenzi, we-1995 (uMthetho 66 we-1995) kanye neminye imithetho yezabasebenzi esebenzayo ngesikhathi soshintsho lusuka kwesinye isivumelwano kuya kwesinye, lapho kufanele, futhi
- (j) lapho umnini-moto ohlongozwayo ehlinzeke ngemisebenzi yokuthutha ngokwesivumelwano sangaphambilini nesiphathimandla esingene esivumelwaneni nanoma iyiphi enye inhlango yombuso, ukusebenza okwedlule komnini-moto ekusebenzeni ngokwaleso sivumelwano esedlule.

(2) Iziphathimandla ezingene esivumelwaneni kufanele ziqinisekise ukuthi kwenziwa ukuhlinzekelwa kokuqapha okwenele kwe-elektronikhi noma mathupha kwemisebenzi ehlinzekwayo ngokwesivumelwano esibandakanya uxhaso ngendlela

echazwe ezincwadini zamathenda nezivumelwano eziyisibonelo kanye nanoma yiziphi izimfuneko ezinqunyiwe noma ezihlinzekwe ngokwesigaba 42(6) soMthetho, futhi ngokuhambisana nanoma yimiphi Imibandela Yezibonelelo.

(3) Izivumelwano zesikhashana ezihlongozwe esigabeni 41A soMthetho kumele zisetshenziswe kuphela ezimeni ezihlukile lapho kunesidingo khona ukuze kuhlinzekwe ngemisebenzi yokuthutha ngenkathi isiphathimandla esingene esivumelwaneni siphezu kwezingxoxo zesivumelwano okuxoxiswana ngaso noma ukusungula inethiwekhi, njengoba kuhlongozwe esigabeni 41A(1) (c) soMthetho, noma lapho kungakapheli khona isivumelwano ngemuva kokuphelelwa yisikhathi kwesivumelwano esedlule, futhi kumele singasetshenziswa lapho kunamathuba amaningi okuthi kubanjelwe ukuphothulwa kwezivumelwano zemisebenzi yokuthutha okunoxhaso, futhi singavuselelwa.

(4) Lapho imisebenzi yokuthutha izohlinzekwa ezindaweni ezingaphansi komasipala abangaphezulu koyedwa ngokwesivumelwano, omasipala kumele-

- (a) baphethe isivumelwano esibhaliwe phakathi kwabo esihlinzeka okungenani ngamalungiselelo ezezimali asebenza esivumelwaneni esihlongozwayo phakathi kwabo futhi kucatshangelwa imihlinzeko ye-IGRFA, futhi
- (b) lapho kufanele baxhumane nesifundazwe noma izifundazwe ezifanele ukuze bathole usizo njengoba kuhlongozwe kumthethonqubo 8.

(5) Lapho isivumelwano esihlongozwayo sizobeka izibopho zezimali kumasipala ngaphezu kweminyaka emithathu ehlanganiswe esabelweni sezimali sawo sonyaka, umasipala kufanele uhambisane nesigaba 33 se-MFMA.

(6) Njengoba isigaba 41(1) soMthetho sihlizekela ukuthi isivumelwano okuxoxiswene ngaso singaphothulwa kanye kuphela, isiphathimandla esingena esivumelwaneni angeke siphothule isivumelwano esingaphezu kwesisodwa okuxoxiswene ngaso ngokwaleso sigatshana, okungukuthi; ngokuphothula izivumelwano ngokungaphezu kweyodwa yalezi zindima (a) , (b) noma (c).

(7) Esimeni sesivumelwano esihlongozwe esigabeni 41(1)(c) soMthetho, izinhlaka zokuthutha zikazwelonke noma zesifundazwe kufanele zihambisane nesigaba 54 soMthetho Wokuphathwa Kwezimali Zikahulumeni, we-1999 (uMthetho 1 we-1999), kanye neminye imithetho esebenza ekwakhiweni kabusha kwabaninizimoto abancike kuhulumeni, futhi othuthela umasipala kufanele athobele umthetho osebenza ekuhlelweni kabusha kwawo, ngaphambi kokuphothula isivumelwano.

Izimfuneko zabafakela amathenda

7. (1) Ithenda nezivumelwano eziyisibonelo ehlongozwe esigabeni 42(6) soMthetho kufanele ifake ukuthi ukuze ufaneleke njengomfaki-thenda ukuthola isivumelwano semisebenzi yokuthutha esinoxhaso, umnizimoto, futhi lapho kufanele

nanoma yimuphi umuntu noma inhlango elawula ubunikazi kumninimoto, noma eyenza imisebenzi egameni lakhe, noma esikhundleni sakhe njenge-ejenti, umninimoto kufanele athobele lezi zimfuneko ezilandelayo:

- (a) Kufanele aqhube imisebenzi yezokuthutha umphakathi ngokwemigomo yebhizinisi ngokufaka uthango lwezezimali, kanye
- (b) kumele abe ngokhokhela kahle intela futhi akwazi uhlinzeka ngesitifiketi sokubamsulwa kwezezintela noma i-PIN (inombolo kamazisi yomuntu siqu) ekhishwe uPhiko Lwemalingeniso Eqoqwayo LwaseNingizimu Afrika.

(2) Ngezinhlalo zesigatshana somthethonqubo (1) (a) , umninimoto unemingcele yezezimali uma—

- (a) ibhizinisi lesithembiso somnini-moto lenziwa ngokuhlukile kunelinye ibhizinisi noma isithembiso nanoma iyiphi enye inhlango;
- (b) umninimoto ugcina amarekhodi ezimali ahlukene, ngokuhambisana nenqubo yokubala imali eyamukelwa ngokuvamile kanye nezinqubo, zezimpahla zakhe, izikweletu, imali engenayo, izindleko, inzuzo nokulahlekelwa;
- (c) isithembiso somnini-moto siyasimama ngokwezezimali ngokwezitatimende zakhe zezimali, futhi
- (d) umninimoto akananzuzo engalungile mayelana nokuthola usizo lwezezimali noma olunye usizo noma izinsiza kunoma yiluphi uhloko lombuso njengoba kuchazwe esigabeni 239 soMthethosisekelo, ngaphandle uma lokho kusizakala kuyingxenywe yohlelo olusebenza ngokujwayelekile, olugunyazwe isiphathimandla esingene esivumelwaneni, ukuvikela noma ukuthuthukisa abanikazi bezithuthi zomphakathi ababencishwe amathuba ngenxa yobandlululo olungafanele noma ukusiza amabhizinisi amancane; inqubo nje uma noma iyiphi inzuzo evela esivumelwaneni sokuthutha esinoxhaso singathathwa njengenzuzo engalungile ngezinjongo zalo mthethonqubo.

(3) Ngesikhathi sesivumelwano sokuthutha esinoxhaso, umninimoto nanoma yimuphi umuntu noma inhlango elawula ubunikazi bomnini-moto noma owenza imisebenzi egameni noma esikhundleni sakhe njenge-ejenti yomnini-moto, kufanele lapho kufanele khona—

- (a) agcine amarekhodi ahlukene, ngokuhambisana nezinqubo kanye nezinqubo zokubalwa kwezimali ezamukelwe ngokujwayelekile, ngesimo sakhe sezezimali, ukusebenza, ukuhamba kwezimali kanye noshintsho esimweni sezimali;
- (b) ahlolwe minyaka yonke ngumuntu obhaliswe ngokwe-*Auditing Profession Act 26, ka-2005*;

- (c) ahambisane nezidingo zesigatshana somthethonqubo (1), kanye
 (d) angajabuleli inzuzo engafanele evela ohlakeni lukahulumeni , kuncike esimisweni somthethonqubo (2) (d).

(4) Ngenhloso yalo mthethonqubo—

- (a) “ukulawula ubunikazi” kusho ukulawula komuntu oyedwa noma inhlangotho phezu komunye njengoba kuhlangozwe esigabeni 2 soMthetho Wezinkampani, wezi-2008 (uMthetho 71 wezi-2008), kanye
- (b) “ukuzuza okungenalo iqiniso” isho, kodwa akugcini kulokhu kuphela—
- (i) ukwamukela komnini-moto kwanoma iyiphi inzuzo eqondile noma engaqondile, okuhlanganisa izimali, izinsiza, iminikelo, izibonelelo, ukucatshangelwa noma enye inzuzo, kungakhathaliseki ukuthi yezezimali noma ngenye indlela, engatholakali ngemigomo nemibandela efanayo kubo bonke abanye abaninizimoto;
- (ii) isiqinisekiso esiqondile noma esingaqondile noma ukuhlonipha kwanoma yiziphi izibopho zomnini-moto, okuhlanganisa ukuhlelwa noma ukuqondisa kwakho;
- (iii) umhlinzeko oqondile noma ongaqondile wemali mboleko engenanzalo, noma inzalo enenani eliphansi kakhulu kunaleso elizotholakala kwezohwebo kumqhubi ofanayo ngaphansi kwezimo ezifanayo, noma imali ebolekiwe lapho izinkokhelo zenzalo zihlehliswa isikhathi esingaphezu kwezinyanga eziyisithupha, okuhlanganisa ukuhlelwa noma ukusizakala kokunikezwa kwanoma iyiphi leyo mali , noma
- (iv) ukuvumela umnini-moto ukuthi asebenzise, noma ahluleke ukuvimbela umnini-moto ekusebenziseni, noma yiziphi izinsiza zomphakathi, okuhlanganisa ingqalasizinda, impahla, izinsiza, izimpahla, izinsiza zabasebenzi, izinhlelo, ubuchwepheshe noma impahla yengqondo, noma ukugququzela leso senzo, esingeke sitholakale komunye umnini-moto ofanayo ngemibandela nemibandela efanayo.

(5) Isiphathimandla esingene esivumelwaneni kufanele sicabangele ukufaneleka kofake isicelo sethenda njengomnini-moto, phakathi kwezinye izinto, erekhodini lakamuva lokugwetshwa kwamacala obugebengu ohlobo olubhekwa njengolufanele yilesi siphathimandla.

Usizo lwezifundazwe

8. (1) Isifundazwe singasiza umasipala noma omasipala abangaphezu koyedwa ngokuphuthula isivumelwano noma singaphothula isivumelwano njengejenti kamasipala noma egameni likamasipala noma omasipala njengoba

kuhlongozwe esigabeni 238(b) soMthethosisekelo, noma ukwenza ngokuhlanganyela amandla noma imisebenzi yabo njengoba kuhlongozwe esigabeni 12(1) soMthetho.

(2) Esimeni esinjalo isifundazwe kanye nomasipala noma omasipala, kuye ngokuthi yikuphi, kumele benze isivumelwano esibhalwe phansi esibeka izindima nezibopho zezinhlangothi, kubhekwe imihlinzeko ye-IGRFA futhi kubandakanya, kodwa kungacini nje -

- (a) ezinhlelweni zezimali ezisebenza esivumelwaneni esihlongozwayo noma izivumelwano;
- (b) ezinyathelweni ezizothathwa yisifundazwe ukwakha amandla kanye nezinsiza kumasipala noma komasipala njengoba kuhlongozwe esigabeni 154(1) soMthethosisekelo kanye nesigaba 11(1) (b) (v) no (vi) soMthetho, kanye
- (c) ezibophezelweni zikamasipala noma zomasipala abazibophezela ekutholeni izinsiza ukuze banikwe amandla ekwakheni amandla kamasipala noma bavume ukuthatha izinsiza ezingatholakala futhi ziqeqeshelwe leyo nhloso yisifundazwe.

(3) Isivumelwano noma izivumelwano kufanele zihlinzekwe kuma-ITP omasipala abathintekayo futhi kufanele zisize ekuhlinzekeni nasekuhlanganiseni imisebenzi yokuthutha umphakathi emiphakathini yomasipala njengoba kudingwa uMthetho kanye Nezimfuneko Ezincane.

(4) Ngaphambi kokusayinwa kwesivumelwano esihlongozwayo, kufanele sihanjise eMnyangweni kanye nakuMgcinimafa Kazwelonke ukuze baphawule, futhi isiphathimandla esingene esivumelwaneni kufanele sicubungule noma yikuphi ukuphawula okutholwe kubo ngendlela ekufaneleke ngayo.

(5) Umasipala kumele athole isinqumo emkhandlwini kamasipala wawo esigunyaza isivumelwano esihlongozwayo ngaphambi kokusayinwa kwesivumelweano.

Imihlinzeko yesikhashana

9. (1) Isivumelwano esiqedwe ngaphambi kosuku lokuqala ukusebenza kwale mithethonqubo sihlala sisebenza size siphelwelele yisikhathi noma size sikhanselwe noma siqedwe, naphezu kwemihlinzeko yale mithethonqubo.

(2) Izingxoxo ezabanjwa nabaninizimoto yisiphathimandla esingene esivumelwaneni ngaphambi kosuku lokuqala ukusebenza kwale mithetho zihlala zisebenza kuhlanganisa zonke izinyathelo ezithathwe yisiphathimandla esingene esivumelwaneni ukulungiselela izingxoxo zesivumelwano ezisemthethweni.

Ukuchithwa kwemithethonqubo yangaphambilini yokungena esivumelwaneni sokuthutha umphakathi

10. Imithetho Kazwelonke Yezokuthutha Ezihamba Phansi mayelana Nokungena Esivumelwaneni Sokuthutha Umphakathi eyenziwe ngokoMthetho futhi yashicilelwa ngaphansi kweSaziso SikaHulumeni R.877 kuGazethi kaHulumeni 32535 yangomhla zingama-31 kuNcwaba wezi-2009, ngalokhu iyachithwa.

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ISAHLUKO 2: IMITHETHO YEMISEBENZI YOKUTHUTHA YE-ELECTRONIC-HAILING

Izincazelo zeSahluko 2

11. Kulesi Sahluko sale mithethonqubo, ngaphandle uma ingqikithi isho okuhlukile, noma yiliphi igama noma inkulumo incazelo enikezwe yona eMthethweni noma kumthethonqubo 1, inencazelo efanayo, futhi la magama nezisho ezilandelayo zinezincazelo ezinikezwe zona:

“ **isivumelwano** ” noma “ **isivumelwano somsebenzi wokuthutha we-e-hailing** ” sisho isivumelwano phakathi komnini-moto kanye nomhlinzeki wenkundla ye-e-hailing esihlongozwe kumthethonqubo 18;

“ **i-app** ” noma “ **isisetshenziswa** ” ichaza isisetshenziswa esihlongozwe esigabeni 66A(1) (a) soMthetho;

“ **umlayezo wedatha** ” kusho umlayezo wedatha njengoba uchazwe ku-ECTA;

“ **ECA** ” kushiwo uMthetho Wezokuxhumana Ngobuchwepheshe, wezi-2005 (uMthetho 36 wezi-2005);

“ **i-ECTA** ” ichaza i-*Electronic Communications and Transactions Act 25*, ka-2002;

“ **umhlinzeki wenkundla ye-e-hailing** ” noma “ **umhlinzeki wenkundla** ” kushiwo umuntu ohlinzeka ngesisetshenziswa noma inanoma yibuphi ubuchwepheshe obuklanywe noma obusetshenziswa ukuze kuhlinzekwe ngomsebenzi wokuthutha umphakathi nge-e-hailing, okuhlanganisa nanoma yiziphi noma zonke izici ezisohlwini lomthethonqubo 15;

“ **impahla** ” kushiwo okokusebenza njengoba kuchazwe kuma-*Type Approval Regulations*, ka-2013;

“ **umazisi** ” kushiwo umazisi njengoba uchazwe ku-*Identification Act 68*, ka-1997;

“ **umninimoto** ” kushiwo umuntu onelayisensi yokuthutha egunyaza ukuthutha nge-e-hailing ngaphambi kokuqala ukusebenza kwesigaba 66A soMthetho, nangemva kokusebenza kwesigaba 66A, kuncike kumthethonqubo 12, ilayisensi yokuthutha nge-e-hailing ekhishwe ngokuhambisana nesigaba 66A soMthetho ofundwa nale mithethonqubo;

“ **i-RICA** ” ichaza i-*Regulation of Interception of Communications and Provision of Communication-Related Information Act 70*, ka-2002;

“ **ama-Type Approval Regulations, 2013** ” kusho ama-*Type Approval Regulations* akhiwe ngokwesigaba 4(1) afundwa nesigaba 35 se-ECA esimenyezelwe ngaphansi kweSaziso 871 ku*Gazethi Kahulumeni* 36785 yamhla zingama-26 kuNcwaba wezi-2013, noma owalandela esikhundleni sawo, futhi

“ **umsebenzisi**” kushiwo umuntu ofaka isicelo sohambo ku-e-hailing noma umuntu ogibela imoto ye-e-hailing ebe efakelwe omunye umuntu isicelo sohambo obhalisile ku-e-hailing.

Ukusetshenziswa kweSahluko 2

12. (1) Imithethonqubo kulesi Sahluko iyasebenza kuzo zonke izinqubo ezihlongozwe kulesi Sahluko kanye nokuqaliswa kokusebenza kwemihlinzeko yesigaba 66A soMthetho.

(2) Amalayisense okuthutha nge-e-hailing ngokwesigaba 66A soMthetho kanye nale mithethonqubo anganikezwa futhi akhishwe ngesicelo esifanele salawo malayisensi esigungwini sokulawulwa kwezokuthutha esifanele.

(3) Isicelo esigungwini sokulawulwa kwezokuthutha sokunikezwa, ukuvuselela, ukuchitshiyelwa, ukudlulisela noma ukuguqulwa kwelayisensi yokuthutha ye-e-hailing kumele sifakwe ngokuletha iFomu 1B eligcwalisiwe elihambisana neMithetho Kazwelonke Yezokuthutha Ezihamba Phansi, yezi-2009, kanye nolwazi kanye namadokhumenti abalulwe kulelo Fomu kanye nemali yokufaka isicelo ebalulwe kuMithetho Kazwelonke Yezokuthutha Ezihamba Phansi, yezi-2009.

Izimfuneko zokuthutha nge-e-hailing

13. Ukuthutha nge-e-hailing kunganikezwa kuphela lapho kunomhlinzeki wenkundla ye-e-hailing obhaliswe neSigungu Sokulawulwa Kwezinto Zokuthutha Umphakathi kuZwelonke

kanye nelayisensi yokuthutha ekhishelwe imoto esetshenziselwa ukuthutha nge-e-hailing.

Ukuguqulwa kwamalayisense okuthutha e-e-hailing akhishwe ngaphambi kokuqala ukusebenza kwesigaba 66A soMthetho.

14. (1) Bonke abaninizimoto abathutha nge-e-hailing ngokwamalayisensi okuthutha akhishwe ngaphambi kokuqala ukusebenza kwale mithethonqubo, kungakhathalekile ukuthi leyo misebenzi yokuthutha ichazwa kanjani kulawo malayisensi, kufanele bafake izicelo zokuguqulwa kwamalayisensi abo okuthutha zingakapheli izinsuku eziyi-180 le mithethonqubo iqale ukusebenza, esigungwini sokulawulwa kwezokuthutha.

(2) Ekutholeni isicelo sokuguqulwa, kuncike ohlelweni olusebenzayo lwesicelo kanye nokuthobela komnini-moto, isigungu sokulawulwa kwezokuthutha singanikeza umnini-moto ilayisensi yokuthutha eqondene nemisebenzi yokuthutha ye-e-hailing ngokomthethonqubo 23.

(3) Kuze kube isigungu sokulawulwa kwezokuthutha sikhapha ilayisense endala yokuthutha ngelayisense entsha yokuthutha ye-e-hailing njengoba kuhlinzekwe emitheshwaneninqubo (1) kanye no-(2), umnimoto kufanele agcine ilayisense yokuthutha endala futhi ayinikeze kuphela uhlaka olulawulayo lapho kukhishwa ilayisense entsha yokuthutha noma isicelo singatshiwe.

(4) Isigungu sokulawulwa kwezokuthutha kufanele sikhulume ngesinqumo kumfakisicelo zingakedluli izinsuku ezingama-60 ngemuva kokuthola isicelo sokuguqulwa uma isicelo sihambisana noMthetho, lo mthethonqubo kanye nemihlinzeko efanele yeMithetho Kazwelonke Yezokuthutha Ezihamba Phansi, yezi-2009.

(5) Lapho isicelo sokuguqulwa singahanjiswanga njengoba kudingwa esigatshaneni somthethonqubo (1) phakathi nesikhathi esishiwo lapho, isigungu sokulawulwa kwezokuthutha esifanele kufanele siyikhansela ilayisensi yokuthutha.

(6) Kusukela ngosuku olubalwe njengezinsuku eziyi-180 ngemuva kosuku lokuqala ukusebenza kwale mithethonqubo, akekho umnimoto ongathutha nge-e-hailing esebenzisa ilayisense yokuthutha eyakhishwa ngaphambi kosuku lokuqala ukusebenza kwale mithethonqubo, ngaphandle uma umnimoto elindele isinqumo sesigungu sokulawulwa kwezokuthutha ngesicelo sayo sokuguqula njengoba kuhlongozwe esigatshaneni somthethonqubo (1).

Izimfuneko zezisetshenziswa ze-e-hailing (ama-app) kanye nabahlinzeki benkundla ye-e-hailing

15. (1) *I-app ye-e-hailing* kanye nomhlinzeki wenkundla ye-e-hailing kumele kubhaliswe Esigungwini Sokulawulwa Kwezinto Zokuthutha Umphakathi kuZwelonke.

(2) Umhlinzeki wenkundla ye-e-hailing kufanele kube ngumuntu ngokwemvelo noma inkampani oyisakhamuzi saseNingizimu Afrika esisemthethweni noma oyisihlali esisemthethweni noma ahlanganiswe ngokwemithetho yaseNingizimu Afrika.

(3) Zonke izinto zokusebenza ezisetshenziswa noma ezizosetshenziswa umhlinzeki wenkundla ye-e-hailing ezihlanganisa 'izinto zokusebenza' njengoba kuchazwe ama-*Type Approval Regulations* ka-2013, iSigungu Sokulawulwa Kwezinto Zokuthutha Umphakathi kuZwelonke njengengxenywe yesicelo sokubhaliswa, noma uma zitholwe ngemva kokubhaliswa, ngaphambi kokuba zisetshenziswe ekuhlinzekweni komsebenzi wokuthutha nge-e-hailing.

(4) Umhlinzeki wenkundla kufanele afake isicelo sokubhaliswa esiGungwini Sokulawulwa Kwezinto Zokuthutha Umphakathi kuZwelonke ngokugcwalisa Ifomu 9A elihambisana nale mithethonqubo futhi anikeze ulwazi oludingekayo lapho futhi

akhokhe imali yokufaka isicelo eshiwo kuSheduli 2 yeMithetho Kazwelonke Yezokuthutha Ezihamba Phansi, yezi-2009.

(5) Isigungu Sokulawulwa Kwezinto Zokuthutha Umphakathi kuZwelonke kufanele sibhalise umhlinzeki wenkundla uma isicelo sihambisana futhi umhlinzeki wenkundla ethobela le Mithethonqubo futhi enikeze imininingwane eyamukelekayo yezakhiwo ezihlongozwe esigatshaneni somthethonqubo (6), futhi kufanele sikhipe isitifiketi sokubhalisa kumhlinzeki wenkundla.

(6) Umhlinzeki wenkundla ye-e-hailing kufanele abe nezindawo ezibonakalayo eRiphabhulikhi ukuze abaninizimoto bakwazi ukuxhumana nayo kanye nokuba khona ku-inthanethi.

(7) Kusukela osukwini olubalwe njengezinsuku eziyi-180 ngemuva kokuqala ukusebenza kwale mithetho, akekho ongahlinzeka ngomsebenzi wokuthutha nge-e-hailing esebenzisa umhlinzeki wenkundla ongabhalisiwe ngokwalo mthethonqubo.

(8) Abahlinzeki benkundla kufanele bavuselele ukubhaliswa kwabo njalo eminyakeni eyisikhombisa ebalwa kusukela ngosuku lokubhalisa ngokulandela inqubo efanayo nenqubo yokubhalisa yokuqala ehlinzekwe kulo mthethonqubo.

Izinto ezincane okumele inkundla ye-e-hailing ibe nazo

16. (1) Inkundla ye-e-hailing kufanele okungenani ibe nalokhu okulandelayo okusebenzayo kumgibeli:

- (a) Umsebenzisi kufanele akwazi ukubhalisa nge-app ye-e-hailing.
- (b) Ukuhlinzekela ukukwazi ukufaka isicelo sohambo kuvele indawo aya kuyo.
- (c) Ukuhlinzeka ngendawo la khona inkampani elawula inkundla ye-e-hailing ikwazi ukunikeza umsebenzisi amasevisi ahlukahlukene angakhetha kuwo.
- (d) Umsebenzisi kufanele akwazi ukubona imali yokugibela engakaluqinisekisi uhambo.
- (e) I-app kufanele ivumele umsebenzisi ukuthi abuke imali bukhoma ngeskhathi uhambo luqhubeka.
- (f) Umsebenzisi kufanele akwazi ukuxhumana nomshayeli ngemva kokuthi umshayeli esenikezwe umsebenzisi.
- (g) Ukunikezwa kwezaziso zohlelo lokusebenza ukuze kugcinwe umsebenzisi enolwazi mayelana nesimo sesicelo sohambo, isikhathi sokufika komshayeli, imininingwane yomshayeli nemoto okuhlanganisa nokulandelelwa bukhoma kwendawo yomshayeli kusukela ekwamukeleni uhambo kuye ekupheleni.

- (h) Umsebenzisi kufanele akwazi ukuxhumana nomshayeli nge-app.
 - (i) Inkundla kufanele ivumele umsebenzisi ukuthi akwazi ukufakela omunye umuntu isicelo sohambo nge-akhawunti yakhe.
 - (j) Inkokhelo kufanele ikwazi ukwenziwa ngokuzenzakalelayo ngemva kokuphela kohambo, uma umgibeli ekhokha nge-elektronikhi noma ngekhadi.
 - (k) Umsebenzisi kufanele akwazi ukukhetha indlela yokukhokha okuhlanganisa nokwengeza ikhadi lesikweletu noma ikhadi ledebhithi lungakaqali uhambo, lapho kuyisinqumo somsebenzisi ukukhokha ngaleyo ndlela.
 - (l) Umsebenzisi kufanele akwazi ukuphawula ngomshayeli uma uhambo seluphelile.
 - (m) Izinkinobho zokwethuka kufanele zinikezwe esimweni esiphuthumayo ezixhunywe kubahlinzeki besevisi yezokuphepha abazimele noma abahlinzeki bokulandelela imoto abaqokwe umninimoto, futhi zihlolwa njalo, okungenani kanye ngenyanga ukuze kuqinisekiswa ukuthi zisasebenza.
 - (n) Izinkinobho zokwethuka ezihlongozwe endimeni (m) kumele zikwazi ukufinyeleleka futhi zisetshenziswe abagibeli kanye nomshayeli wemoto.
- (2) Inkundla kumele okungenani ibe nale misebenzi elandelayo yomshayeli:
- (a) Inkundla kufanele ihlinzeke ngephrofayili yomshayeli kanye nesimo okufanele sifake imininingwane elandelayo:
 - (i) isithombe somshayeli esingekho ngaphezu kwezinyanga eziyi-12;
 - (ii) imininingwane yelayisensi yokushayela esemthethweni;
 - (iii) imininingwane ye-PDrP, kuhlanganisa nezinsuku zokuphelelwa yisikhathi, kanye
 - (iv) imininingwane yemoto kubandakanya okungenani ukwakheka, imodeli, usuku lokubhaliswa kokuqala ngokoMthetho Kazwelonke Wezokuthutha Emgwaqeni, inombolo yokubhalisa kanye nombala.
 - (b) Umshayeli kufanele akwazi ukuthola izicelo zohambo ukuze amukele noma anqabe, okuhlanganisa ulwazi lomgibeli mayelana nendawo asuka kuyona nendawo aya kuyona.
 - (c) Inkundla kufanele inikeze umshayeli izindlela ezihlelekile neziphephile ukwenza lube ngcono kakhulu uhambo lomshayeli.
 - (d) Kumelwe kube nemibiko yomshayeli enikeza umshayeli ulwazi lwansuku zonke, lwangeviki, nolwanyanga zonke olumayelana nohambo nemali etholwayo, lapho kufanele khona.

- (e) I-app kufanele futhi ikwazi ukukhokhisa umsebenzisi isikhathi sokulinda kusukela kupharamitha echaziwe njengezindleko ezengeziwe phezu kwesisekelo semali yokugibela.
- (f) I-app kumele ikwazi ukunikeza umshayeli imephu yokushisa eyenza umshayeli aqaphele izindawo ezidingeka kakhulu.

Izimfuneko ezincane zomsebenzi wokuphatha inkundla ye-e-hailing

17. Umsebenzi wokuphatha inkundla ye-e-hailing kumele okungenani ube nalokhu okulandelayo:

- (a) Ukuphathwa komshayeli kanye nabasebenzisi;
- (b) Ukuphathwa kwendawo nemali yokugibela kusetshenziswa amamephu abuyekeziwe akamuva;
- (c) Ukuphathwa kokubhuka nokukhokha;
- (d) Ukuphathwa kwezimoto;
- (e) Ama-oda omshayeli kanye nokuphathwa kwezinkokhelo, kanye
- (f) Isikhungo sesevisi yamakhasimende ukubika ngokuphatheka kwabagibeli.

Izivumelwano zemisebenzi yokuthutha ye-e-hailing

18. Ukuhlelwa phakathi kwalowo ozoba umnimumoto kanye nomhlinzeki wenkundla ye-e-hailing kumele kubhalwe phansi futhi kufake okungenani lokhu okulandelayo:

- (a) Amagama asemthethweni ezinhlangothi njengoba eboniswe kumazisi noma komunye umazisi owamukelekayo esigungwini sokulawulwa kwezokuthutha uma kwenzeka kungabantu bemvelo, namagama aboniswe esikhungweni lapho isikhungo sibhaliswe khona, uma kwenzeka kuyinkampani.
- (b) Abameleli abagunyaziwe neminingwane yabo egcwele kufanele bavezwe uma kuyisimo senkampani.
- (c) Igunya lesivumelwano kumele libe yiRiphabhulikhi yaseNingizimu Afrika.
- (d) Isivumelwano kufanele sibe nemibandela lapho lowo ozoba umnimumoto ethola ilayisense yokuthutha edingekayo yemisebenzi yokuthutha nge e-e-hailing.
- (e) Isivumelwano kufanele sihlizzekele ukuthi zonke izinto zikagesi okuhlanganisa neselula ezosetshenziswa umshayeli kufanele ihambisane nezimfuneko ze-RICA kanye ne-ECA.
- (f) Lapho lowo ozoba umnimumoto engeke ashaye yena mathupha imoto, isivumelwano kufanele sihlizzeke ngokuthi lowo ozoba umnimumoto uzokwethula umshayeli enkundleni nokuthi umshayeli kufanele ahlangebezane nazo zonke

izimfuneko okumele zigcinwe ngokwale mithethonqubo ukuze umshayeli akwazi ukuthutha nge-e-hailing.

- (g) Isivumelwano semisebenzi yokuthutha ye-e-hailing singaba ngendlela yemigomo nemibandela ehlinzekwe umhlinzeki wenkundla kumuntu ozoba umnimoto ngendlela yedatha njengoba ichazwe ku-ECTA.

Izimfuneko zokuphepha ezincane zemisebenza yokuthutha ye-e-hailing

19. Isigungu sokulawulwa kwezokuthutha esithola isicelo selayisense yokuthutha nge-e-hailing kumele, ngaphambi kokukhipha ilayisense yokuthutha, saneliseke, ngaphezu kwezimfuneko zoMthetho, uMthetho Kazwelonke Wezokuthutha Emgwaqeni kanye neMithethonqubo Kazwelonke Yezokuthutha Ezihamba Phansi, yezi-2009 noma ozongena esikhundleni saso, ukuthi-

- (a) umfakisicelo uhlanganisa uMbiko Werekhodi Lobugebengu okhishwe uMbutho Wamaphoyisa aseNingizimu Afrika mayelana nomshayeli wemoto, obonisa ukuthi akanalo irekhodi lobugebengu eNingizimu Afrika elizomenza angakufanelekeli ukuthutha abagibeli ukuze bathole umvuzo eNingizimu Afrika;
- (b) umshayeli usayine isifungo esisho ukuthi alukho uphenyo lobugebengu olusalindile olubhekiswe kuye eNingizimu Afrika noma kwelinye izwe olungaholela ekutheni agwetshwele icala yinkantolo yomthetho, lapho lelo cala lingaba nomthelela wokuthi umshayeli angakwazi ukwenza imisebenzi yokuthutha umphakathi;
- (c) umshayeli unelayisensi yokushayela efanelekile kanye nephemithi yokushayela yobungcweti (PrDP) njengoba kudingwa nguMthetho Kazwelonke Wezokuthutha Emgwaqeni;
- (d) imoto ifakwe inkinobho yokwethuka njengoba kudingwa umthethonqubo 16(1)(m), futhi
- (e) imoto imakwe ngolwazi oluhlongozwe kumthethonqubo 26(1).

Izimfuneko zomhlinzeki wenkundla ye-e-hailing ukuze anikeze ukufinyelela ekusebenziseni ingqalasizinda yayo kanye nezinsizakalo

20. Umhlinzeki wenkundla ye-e-hailing anganikeza kuphela ukufinyelela ekusebenziseni ingqalasizinda kanye nezinsizakalo uma -

- (a) umnikazi wedivayisi ephathwayo ubhaliswe ohlelweni njengengxenye yesivumelwano okukhulunywe ngaso kumthethonqubo 18;
- (b) umnimoto noma umshayeli ubhala phansi ukuthi idivayisi ephathwayo ezosetshenziswa ithobela i-RICA kanye ne-ECA futhi ingeyomshayeli obhalisiwe noma umnimoto ongene esivumelwaneni nomhlinzeki wenkundla ye-e-hailing;

- (c) umgibeli unocingo oluphathwayo oluzosetshenziswa nguye ukuze adumise isevisi ngocingo oluthobela i-RICA kanye ne-ECA futhi lowo mgibeli ubhalise nomnikezeli wenkundla ngokufaka inombolo yakhe kamazisi noma inombolo yepasipoti kanye nekheli lapho uhlala khona, futhi
- (d) umninito ungumnikazi welayisensi yokuthutha ekhishwe yisigungu sokulawulwa kwezokuthutha semisebenzi yokuthutha ye-e-hailing njengoba kudingwa uMthetho kanye nale mithethonqubo.

Ukumiswa noma ukukhanselwa kokufinyelela enkundleni ye-e-hailing

21. (1) Umhlinzeki wenkundla ye-e-hailing angamisa noma akhansela ukufinyelela enkundleni ye-e-hailing komnini-moto kanye nomshayeli kamnini-moto ngokushesha nje lapho eqaphela ukungahambisani kwabo nemibandela yokufinyelela, inqobo nje uma eqala ngokunikeza isaziso senhloso yakhe yokumisa noma ukukhansela lokho kufinyelela, enikeza izizathu zokumiswa noma ukukhansela okuhlosiwe futhi ebiza umninito ukuba abonise isizathu sokuthi kungani ukufinyelela kungafanele kumiswe noma kuhoxiswe.

(2) Lowo mhlinzeki wenkundla kufanele anikeze isaziso salokho kumiswa noma ukwesulwa kanye nezizathu esigungwini sokulawulwa kwezokuthutha esanikeza umninito ilayisensi yokuthutha ngokushesha okukhulu, kodwa kungakapheli amahora angama-48 ngemva kwalokho kumiswa noma ukukhanselwa ngomlayezo wedatha.

(3) Lapho umninito emisiwe noma ekhanselwe yizo zonke izinkundla ze-e-hailing, lowo mnini-moto kufanele azise isigungu sokulawulwa kwezokuthutha ekhiphe ilayisense yokuthutha futhi ayeke ukusebenza kuze kube yilapho sekubuyisiwe ukufinyelela futhi kufanele anikeze ilayisense yokuthutha esigungwini sokulawulwa kwezokuthutha kungakapheli amahora angama-48 ngemva kokumiswa noma ukukhanselwa kuze kube yilapho ukufinyelela sekubuyisiwe.

Ukusetshenziswa kwabahlinzeki benkundla ye-e-hailing abangaphezu koyedwa

22. (1) Umninito angaba nezivumelwano nabahlinzeki benkundla ye-e-hailing abangaphezu koyedwa ngesikhathi esisodwa.

(2) Lapho ebhalisa nomhlinzeki omusha wenkundla ye-e-hailing, umninito kufanele azise isigungu sokulawulwa kwezokuthutha esikhiphe ilayisense yokuthutha ye-e-hailing ngokubhala engakapheli amahora angama-48 ebhalisiwe.

Izimfuneko ezincane zesigungu sokulawulwa kwezomthetho ukuze sinikeze ilayisense yokuthutha ye-e-hailing

23. (1) Umfakisiselo ofaka isicelo selayisensi yokuthutha ye-e-hailing kumele agcwalise Ifomu 1B elihambisana neMithetho Kazwelonke Yezokuthutha Ezihamba Phansi, yezi-2009 futhi akhokhe imali yokufaka isicelo eshiwo kuleyo Mithetho.

(2) Ngaphezu kwanoma yimiphi eminye imibhalo engadingeka ngokweMithetho Kazwelonke Yezokuthutha Ezihamba Phansi, yezi-2009, umfakisiselo kufanele futhi alethe ikhophi yesivumelwano esayiniwe noma imigomo nemibandela eyamukelwe ngumfakisiselo kumhlinzeki wenkundla ye-e-hailing, ehambisana nezidingo ezisohlwini lomthetho 18.

Izimfuneko ezincane zezinto zikagesi ezisetshenziselwa imisebenzi yokuthutha ye-e-hailing

24. Akukho mshini ongasetshenziswa ekuhlinzekeni imisebenzi yokuthutha ye-e-hailing ngumhlinzeki wenkunga ye-e-hailing, umnimoto, umshayeli noma umsebenzisi ngaphandle uma-

- (a) iwuhlobo olugunyazwe ngokwama-*Type Approval Regulations*, ka-2013, lapho kudingeka khona;
- (b) isetshenziswa ngokuhambisana ne-RICA, futhi
- (c) ibhaliswe kumhlinzeki wenkundla ye-e-hailing, umnimoto, umshayeli nomsebenzisi, futhi
- (d) ukubhaliswa kwe-RICA kuhambisana nesigaba 39 se-RICA.

Irisidi ye-Elektronikhi yabagibeli

25. (1) Umnimoto kufanele anikeze irisidi ye-elektronikhi wonke umgibeli osebenzisa imisebenzi yokuthutha ye-e-hailing.

(2) Irisidi ye-elektronikhi kufanele ibonise okungenani iminingwane elandelayo:

- (a) Igama nekheli lebhizinisi lomnini-moto;
- (b) Inombolo yelayisensi yokuthutha ekhishelwe imoto ehambisa umsebenzisi;
- (c) Umhlinzeki wenkundla ye-e-hailing esetshenziselwa isevisi;
- (d) Indawo yokusuka neyokuphela kanye nenani elikhokhelwe uhambo;
- (e) Usuku nesikhathi irisidi ekhishwe ngaso esihambisana nesikhathi sokugibela somsebenzisi;
- (f) Igama lomshayeli, kanye
- (g) Nokwakhiwa, imodeli kanye nenombolo yokubhalisa yemoto esetshenziselwa uhambo.

(3) Ngezinhliso zalo mthetho, ukukhishwa kuhlenganisa noma yiluphi uhlobo lokuxhumana nge-elektronikhi olufinyeleleka kumgibeli noma umhleli wokugibela lapho irisidi ye-elektronikhi ingatholwa.

(4) Umninimoto owehluleka ukukhipha irisidi ye-elektronikhi ngokwalo mthetho wenza icala.

Ukumaka kanye nokufaka uphawu lwezimoto ezisetshenziselwa imisebenzi yokuthutha ye-e-hailing

26. (1) Imoto esetshenziselwa imisebenzi yokuthutha ye-e-hailing kufanele imakwe ngemininingwane ephelile yomnini-moto, okuhlenganisa igama nekheli lebhizinisi nhlangothi zombili zezicabha zangaphambili ngaso sonke isikhathi ngenkathi ihlinzeka ngemisebenzi yokuthutha.

(2) inombolo yocingo noma yeselula yomnini-moto noma inkampani yokuphatha, uma imisebenzi iphethwe ngenkampani yokuphatha, kufanele ifakwe eminininingwaneni.

(3) inombolo yocingo noma yeselula ebhalwe emotweni kufanele isebenze ngaso sonke isikhathi uma kunikezwa isevisi.

(4) Ngokuya ngokwalo mthetho, imoto ingafakwa uphawu ngokwezidingo zomnini-moto.

(5) Naphezu kwemihlinzeko yesigaba 50(2) soMthetho, imoto esetshenziselwa ukuthutha nge-e-hailing angeke ifakwe uphawu lweminye imisebenzi ngenkathi isetshenziselwa imisebenzi yokuthutha ye-e-hailing.

Izaziso zesigungu sokulawulwa kwezokuthutha kanye nesiphathimandla sokuhlela eziya kumhlinzeki wenkundla ye-e-hailing

27. (1) Isigungu Sokulawulwa Kwezinto Zokuthutha Umphakathi kuZwelonke, isigungu sesifundazwe noma isiphathimandla esihlelayo singakhipha isaziso kumhlinzeki wenkundla ye-e-hailing ngaphansi kwalezi zimo ezilandelayo:

- (a) Ukucela amarekhodi aphaathelene nanoma yimuphi umnini-moto onelayisensi nalowo mhlinzeki wenkundla ye-e-hailing nokusebenzisa umhlinzeki wenkundla ye-e-hailing othintekayo;
- (b) Ukucela noma yiluphi ulwazi oludingekayo ngezinhliso zokuhlela ezokuthutha;
- (c) Ukucela noma yiluphi olunye ulwazi noma impendulo evela kunoma yimuphi umbuzo lapho umhlinzeki wenkundla ye-e-hailing ebandakanyeka;
- (d) Esimeni lapho kukhona ukwepulwa koMthetho noma le mithethonqubo noma izimo zelayisensi eziphathelene nomnini-moto onelayisensi esebenzisa umhlinzeki wenkundla ye-e-hailing, noma

(e) Noma yiluphi olunye udaba iSigungu Sokulawulwa Kwezinto Zokuthutha Umphakathi kuZwelonke, isigungu sesifundazwe noma isiphathimandla esihlelayo esilubona lufanelekile ngokwezinhloso zamandla nemisebenzi yaso ngokoMthetho.

(2) Umhlinzeki wenkundla ye-e-hailing owehluleka ukuhlinzeka ngolwazi oludingekayo ngokomthethonqubo (1) wenza icala.

Amalungiselelo esikhashana nawokugcina

28. (1) Noma iyiphi ilayisense yokuthutha ekhishelwe ukuthutha nge-e-hailing ngaphambi kokuqala ukusebenza kwale mithethonqubo ihlala isebenza ngokuhambisana nomthethonqubo 14.

(2) Isicelo selayisensi yokuthutha nge-e-hailing esiphambi kwesigungu sokulawulwa kwezokuthutha lapho iqala ukusebenza le mithethonqubo kufanele siphothulwe ngokuhambisana nale mithethonqubo.

(3) Umninimoto osebenzisa inkundla ye-e-hailing engabhalisiwe Esigungwini Sokulawulwa Kwezinto Zokuthutha Umphakathi kuZwelonke ngeke anikezwe ilayisensi yokuthutha nge-e-hailing.

(4) Umhlinzeki wenkundla ye-e-hailing ophinde abe ngumninimoto ungaphansi kwayo yonke imihlinzekho yoMthetho kanye nale mithethonqubo esebenza kubanini-zimoto.

ISAHLUKO 3: IMITHETHO YOKUGUQULWA KWAMAPHEMITHI KANYE NAMALAYISENSI OKUTHUTHA ANGENAMKHAWULO ABE AMALAYISENSI ADINGWA UMTHEMHO.

Izincazelo zeSahluko 3

29. Kulesi Sahluko, ngaphandle uma ingqikithi isho okuhlukile, noma yiliphi igama noma isisho esinikezwe incazelo eMthethweni noma kumthethonqubo 1, sinencazelo efanayo, futhi le nkulumo elandelayo inencazelo enikezwe yona:

“ilayisensi yokuthutha eguqulwayo” kushiwo ilayisense yokuthutha ehlongozwe esigabeni 47(1) soMthetho eyakhishwa ngokwe-*Transition Act* isikhathi esingenamkhawulo noma isikhathi esingaphezu kweminyaka eyisikhombisa.

Ukusetshenziswa kweSahluko 3

30. Lesi Sahluko sisebenza kubo bonke abanikazi bamaphemithi namalayisense okuthutha okufanele aguqulwe, nakubantu abaqhuba izimoto ezihambisa abagibeli ukuze bathole umvuzo ngaphandle kwamalayisensi okuthutha, lapho kudingeka khona ukuthi babe namalayisense okuthutha ngokoMthetho.

C ukuguqulwa kwamaphemithi namalayisense okuthutha abe amalayisense okuthutha esikhathi esinqunyiwe

31. (1) Njengoba kudingwa isigaba 47 soMthetho, bonke abanikazi bamaphemithi namalayisense okuthutha aguqulwayo kufanele bafake izicelo zokuguqulwa kwalawo maphemithi namalayisense okuthutha abe amalayisensi okuthutha esikhathi esinqunyiwe, futhi kufanele bakwenze lokho zingakapheli izinyanga ezingama-24 iqalile ukusebenza le mithethonqubo.

(2) Isicelo sokuguqulwa kufanele senziwe esigungwini sokulawulwa kwezokuthutha esifanele ngokugcwalisa ifomu elibekwe kuMithetho Kazwelonke Yezokuthutha Ezihamba Phansi, yezi-2009.

(3) Umfakisicelo sokuguqulwa kumele ngabe ubehlinzeka ngemisebenzi yokuthutha egunyazwe yiphemithi noma ilayisense yokuthutha yokuguqulwa, ngokuqhubekayo izinsuku eziyi-180 njengoba kudingwa ngokwesigaba 47(3) soMthetho.

(4) Umfakisicelo kumele ahlinzeke ngobufakazi bokuthi usebenze ngokuqhubekayo njengoba kudingwa esigatshaneni somthethonqubo (3) ngendlela egculisa isigungu sokulawulwa kwezokuthutha, njengoba kuhlangozwe esigatshaneni somthethonqubo (5).

(5) Indlela yokuqinisekisa ukusebenza okuqhubekayo kwezinsuku eziyi-180 izoba ngokubona kwesigungu sokulawulwa kwezokuthutha okwenziwa kuso isicelo futhi ingabandakanya ubufakazi obuhlinzekwe abaphathi bamarenki, amarekhodi okuqashwa kwabashayeli kanye namarekhodi esevisi yemoto, izitatimende zasebhangwe ezibonisa imali efakwa njalo, amarekhodi ehlangano nanoma yimaphi amanye amarekhodi asebenzayo, okungenzeka, uma ebhekwa ehlangene, aphakamise ubufakazi obanele bokuthi ukuguqulwa kuyadingeka: lokhu okungenhla akuhloselwe ukuba kuphelele futhi izindlela ezahlukene zemisebenzi yokuthutha umphakathi ingakwazi ukunikeza ubufakazi obuhlukile ngokusekelwe endleleni ezisebenza ngayo.

(6) Iphemithi noma ilayisense yokuthutha efunwa ukuguqulwa kumele ixhumaniseke nemoto okuyo umnikazi welayisensi yokuthutha ubhaliswe njengomnikazi noma njengomini-moto ngokoMthetho Kazwelonke Wokuhamba

Kwezimoto Emgwaqeni njengoba kudingwa esigabeni 64(1) soMthetho, futhi usetshenziselwe ukuhlinzeka ngemisebenzi egunyazwe yileyo phemithi noma ilayisense isikhathi esincane esiyizinsuku eziyi-180 ngaphambi kokufakwa kwesicelo sokuguqulwa.

(7) Iphemithi noma ilayisense yokuthutha engakwazi ukuxhumaniseka nemoto njengoba kudingekile ngokomthethonqubo (6) angeke iguqulwe ibe yilayisensi yokuthutha.

Ukugunyazwa kwabantu abafanelekile abangenawo amaphemithi noma amalayisense okuthutha

32. (1) Abantu abakade benza imisebenzi yokuthutha umphakathi bengenawo amaphemithi adingekayo noma ilayisense yokuthutha futhi abafaneleka ngokwesigatshana somthethonqubo (4) bangafaka izicelo zamalayisense okuthutha ukuze bathuthe ngokusemthethweni.

(2) Izigungu zokulawulwa kwezokuthutha kufanele zikhiphe izimemo ngesaziso noma izaziso emaphephandabeni azungeza endaweni efanele nangokubeka izaziso emahhovisi azo nasemarenki ezithuthi zomphakathi ezifanele noma ezikhumulweni kanye nakusizindalwazi sesigungu esifanele, kubantu abebesebenza ngaphandle kwamaphemithi noma amalayisensi okuthutha ukuze bafake izicelo zamalayisensi adingekayo njengezicelo ezikhethekile ngokwalo mthethonqubo.

(3) Izimemo ezihlongozwe esigatshaneni somthethonqubo (2) kufanele zibe ezesikhathi esingeqile ezinsukwini ezingama-90 ukuze abafakizicelo bafake izicelo zamalayisense okuthutha.

(4) Abafakizicelo zokuba semthethweni ngokwalo mthethonqubo kumele banikeze ubufakazi esigungwini sokulawulwa kwezokuthutha ukuthi bebehlinzeka ngemisebenzi yezokuthutha umphakathi efanelekile isikhathi esingekho ngaphansi kwezinsuku eziyi-180 ngaphambi kokufakwa kwesicelo okuhlanganisa neminingwane yemoto noma yezimoto ezike zasetshenziswa ukuhlinzeka ngemisebenzi yokuthutha futhi ababhaliswe njengomnikazi noma umnimumoto ngokoMthetho Kazwelonke Wezokuthutha Emgwaqeni.

(5) Imininingwane ehlongozwe kumthethonqubo 31(5) ingahlinzekwa njengobufakazi bokuthi umfakizicelo ubesebenza njengoba kudingwa esigatshaneni somthethonqubo (4).

(6) Isicelo kumele sicutshungulwe ngokwemibandela yoMthetho kanye neMithetho Kazwelonke Yezokuthutha Ezihamba Phansi, yezi-2009 mayelana nohlobo lomsebenzi wokuthutha isicelo esimayelana nawo futhi uMnyango ungakhipha amanothi okuzijwayeza noma imihlahlandlela ukuqondisa izinhlaka ezilawulayo mayelana nalokhu.

(7) Esimeni sohlobo lokuthutha ngetekisi, isicelo sokugunyazwa singenziwa kuphela uma umfakisisicelo eyilungu lenhlangano eyayibhaliswe okwesikhashana noma ngokugcwele ngokwe-*Transition Act* noma umthetho wesifundazwe, futhi okwemizila ebhaliswe kanjalo kuphela.

(8) Lapho kucutshungulwa izicelo zamalayisense okuthutha ngokwalo mthethonqubo, isigungu sokulawulwa kwezokuthutha singacabangela iqiniso lokuthi isicelo esifanayo somfakisisicelo sike sanqatshwa ngaphambilini yinoma yisiphi isigungu sokulawulwa kwezokuthutha noma savinjwa nganoma iyiphi indlela esikhathini esidlule ngokwezinqubo ezikhethekile zokwenza kube semthethweni ezihlongozwe esigabeni 41 se-*Transition Act*, noma nanoma iyiphi inqubo efanayo ehlinzekwe kumthetho wesifundazwe.

ISAHLUKO 4: UKUMISWA KWEZICELO ZAMALAYISENSI OKUTHUTHA EMISEBENZI YOKUTHUTHA ENGENASIVUMELWANO

Ukuphoqelela ukumiswa kwezicelo zamalayisense okuthutha emisebenzi yokuthutha engenasivumelwano

33. (1) Isiphathimandla esihlelayo esihlose ukunquma ukumiswa kwezicelo zamalayisensi okuthutha noma ukukhishwa kwamalayisensi okuthutha ngokwesigaba 39(1)(*b*) esifundwa nesigaba 55(3) soMthetho kufanele-

- (a) senze ucwaningo kumzila noma emizileni noma emhubheni noma endaweni okuhloswe ukuthi kumiswe kuyo, okumele ihlanganise uhlu lwabo bonke abaninizimoto nezimoto ezisebenza emzileni noma emizileni noma emhubheni noma endaweni ehlinzeka ngemisebenzi yokuthutha umphakathi engenasivumelwano, okuhlanganisa imininingwane yamalayisensi okuthutha agunyaza leyo misebenzi yokuthutha, uhlu lwezimoto elenza leyo misebenzi yokuthutha ngaphandle kwamalayisensi okuthutha, amagama ezinhlangano abanini-moto abangamalungu azo kanye nanoma yiluphi olunye ulwazi olubalulekile isiphathimandla esihlelayo esingase silucabange ngokuhambisana noMthetho: Kuncike ekutheni ucwaningo olunjalo ayidingeki uma isiphathimandla esihlelayo sine-ITP yamanje esivele iqukethe ulwazi oludingekayo;
- (b) sihlanganise uhlu lwabasebenzisi abasebenza ngokusemthethweni emzileni noma emizileni noma emhubheni noma endaweni;
- (c) sithintane nabanini-moto abahlongozwe endimeni (*b*) nabameleli babo, u-MEC kanye nesigungu sokulawulwa kwezokuthutha esinesibophu sokubanikeza amalayisensi okuthutha;
- (d) sithobeke yonke imithetho yohulumeni wasekhaya mayelana nokubonisana nomphakathi, ngezinga elidingekayo ekufikeni nasekuthatheni isinqumo sokumemezela ukumiswa;
- (e) sicele usizo luka-MEC noma uNgqongqoshe lapho sibone khona isidingo sokumisa okwesikhashana kodwa singenayo i-ITP efanele noma izimali zokwenza ucwaningo ngokwendima (*a*), kanye
- (f) ngemva kokubonisana ngokwendima (*c*) senze isinqumo okufanele sidluliselwe kubo bonke ababambiqhaza okuxoxiswene nabo ngencwadi ebhaliwe noma ngesaziso kuGazethi.

(2) Iziphathimandla ezihlelayo esifundazweni zingangena esivumelwaneni nesifundazwe ngokwesigaba 12(1) soMthetho ukuze kuhlinzekelwe isimemezelo sesifundazwe sokumiswa.

(3) Lapho isifundazwe sithatha isibophu sokumemezela ukumiswa njengoba kuhlongozwe esigatshaneni somthethonqubo (2), ucwaningo nezinqubo zokubonisana zingenziwa yisifundazwe egameni leziphathimandla ezihlelayo eziyingxenywe yesivumelwano sesigaba 12(1).

(4) Ukumiswa kufanele kumenyezelwe isikhathi esinqunyiwe esingeqile eminyakeni emibili ngesikhathi.

(5) Ukumiswa okumenyezelwe kunganwetshwa kanye isikhathi esingeqile onyakeni owodwa ngaphandle kokulandela izinqubo ezihlinzekwe esigatshaneni somthethonqubo (1)(a) no-(c) , ngemva kwalokho lezo zinqubo kufanele zenziwe ukuze kuqhutshwe nokunwetshwa kokumiswa.

Umthelela wokumiswa kwezicelo ezisalindile zamalaysense okuthutha

34. Lapho ukumiswa kunqunywa ngokwalesi Sahluko, izicelo zamalaysense okuthutha ezisalindile esigungwini sokulawulwa kwezokuthutha ngosuku lokuqala lokumiswa kufanele zicutshungulwe/zenziwe yisigungu sokulawulwa kwezokuthutha, futhi uma isicelo sivunyiwe ilaysense yokuthutha efanele kufanele ikhishwe ngaphezu kokumiswa okukhona.

Isimemo sezicelo zamalaysense okuthutha ngesikhathi sokumiswa ngaphansi kwezimo ezikhethekile

35. Naphezu kokuba khona kwesimiso sokumisa, isiphathimandla esihlelayo singamema izicelo zamalaysense okuthutha lapho ukuthuthukiswa okusha noma ezinye izimo ezishintshile zidinga imisebenzi yokuthutha umphakathi ngesikhathi sokumiswa.

ISAHLUKO 5: IMIHLINZEKO EJWAYELEKILE

Ukuphungula imisebenzi yokuthutha

36. Ekuphunguleni imisebenzi yokuthutha emzileni ngokwesigaba 39 soMthetho isiphathimandla esihlelayo kufanele-

- (a) eenze ucwaningo emzileni ukuze sihlanganise uhlu, ngangokunokwenzeka, lwabaninizimoto abahlinzeka ngemisebenzi yokuthutha emzileni, kanye nohlu lwezinhlangano ezimele labo banini-zimoto, uma lolu lwazi lungatholakali ku-ITP noma kuma-ITP afanele;
- (b) sithole futhi senze uhlu lwezinhlangano ezimele abagibeli abahanjiswayo emzileni, kuhlenganisa nalezo ezimele izinhlobo zabagibeli abaphokophelwe;
- (c) sixhumane nabaninizimoto, izinhlangano ezihlonziwe futhi ezisohlwini ngaphansi kwezigaba (a) kanye no-(b) ngokuphungulwa okuhlongozwayo;
- (d) sixhumane futhi, lapho kufaneleka, senze isivumelwano neziphathimandla zokugcinwa komthetho ngokwesigaba 85(2) soMthetho ukuze sihlonze futhi

sishushise abaninizimoto abasebenzisa umzila ngaphandle kwamalayisensi okuthutha adingekayo noma amaphemithi, noma ngokungahambisani nemibandela yalawo malayisensi noma amaphemithi, futhi sithathe izinyathelo ngokubonisana nesigungu sokulawulwa kwezokuthutha ukuqinisekisa ukuthi abaninizimoto bayawathola amalayisense okuthutha adingekayo emzileni noma emzileni noma bayayeka ukusebenza emzileni.

- (e) lapho kufaneleke khona siyale isigungu sokulawulwa kwezokuthutha ukuba simise izicelo ezintsha zamalayisensi okuthutha emzileni ofanele ngokwesigaba 55(3) soMthetho.

Amacala nezijeziso

37. (1) Umninizimoto-

- (a) ophula umthethonqubo 14(6);
- (b) ohluleka ukwazisa isigungu sokulawulwa kwezokuthutha lapho ukufinyelela kumhlinzeki wenkundla kumisiwe noma kukhanseliwe ngokomthethonqubo 21(3), noma
- (c) ohluleka ukukhipha irisidi ye-elektronikhi yemisebenzi yokuthutha ye-e-hailing ehambisana nomthethonqubo 25, wenza icala.

(2) Umhlinzeki wenkundla owehluleka ukuthobela isicelo ngaphansi komthethonqubo 27 wenza icala.

(3) Noma yimuphi umuntu owephula umthethonqubo 15(7) wenza icala.

(4) Umuntu owenza icala elihlongozwe esigatshaneni somthethonqubo (1), (2) noma (3) uma etholakala enecala uyohlawuliswa inhlawulo engeqile ku-R100 000.

38. Ukuchitshiyelwa Kwemithetho Kazwelonke Yezokuthutha Ezihamba Phansi, yezi-2009

Ngakho-ke Imithetho Kazwelonke Yezokuthutha Ezihamba Phansi, yezi-2009 ichitshiyelwa -

- (a) ngokwengeza le mithethonqubo emincane elandelayo kumthethonqubo 30 ngemuva komtheshwananqubo (5):

“(6) Imininingwane yesicelo sokugunyazwa esishicilelwe ngokwesigaba 81(2A) soMthetho kufanele ifake—

- (a) igama nekheli lebhizinisi noma amakheli, futhi uma likhona, igama lokuhweba noma amagama, komfakisisicelo;

(b) imininingwane yezimoto zomfakisicelo efakelwa isicelo kanye kanye samalayisensi okuthutha ngokomthethonqubo (7), kanye

(c) nencazelo yemisebenzi yokuthutha izivakashi ehlinzekiwe noma ehlongozwa ukuba ihlinzekwe ngumfakisicelo njengoba kucacisiwe esicelweni sokugunyazwa.

(7) Isicelo sokugunyazwa ngokwesigatshana somthethonqubo (1) kumele sihlanganise nezicelo zamalayisense okuthutha ezimoto ezisetshenziswayo noma ezizosetshenziswa umfakisicelo ukuhlinzeka ngemisebenzi yokuthutha izivakashi efanale lapho lawo malayisensi engakatholakali."

(b) ngokubhala kabusha isigaba sesithathu sesigatshana somthethonqubo 34A(1) njengendima (c) bese sifaka amagama athi "Ifomu 5AA" kuleso sigatshana somthetho igama elithi "Ifomu 1A";

(c) ngokususa amagama athi "njengoba kuhlongozwe kumthethonqubo 35A(1)" kumthethonqubo 35(1);

(d) ngokufaka esikhundleni samagama "Ifomu 5AA" esigatshaneni somthethonqubo 35(2) amagama athi "Ifomu 1A";

(e) ngokufaka esikhundleni somtheshwananqubo 36(1) lokhu okulandelayo:

(1) Lapho i-NPTR iphasise imoto yokuthutha izivakashi ngokwesigaba 84 soMthetho kanye nomthethonqubo 35 yomnini-moto ogunyazwe ngokwesigaba 81 soMthetho, lowo mnini-moto ogunyaziwe kufanele afake isicelo selayisensi yokuthutha yaleyo moto ukuze ithuthe izivakashi njengoba kuhlongozwe kumthethonqubo 35, ngokugcwalisa iFomu 1A. **[5AA]** kuSheduli 1, futhi lapho umnini-moto eke wagunyazwa ngaphambilini, leso sicelo ngeke kudingeke ukuthi sishicilelwe ngokwesigaba 59 soMthetho ."

(f) ngokususa Ifomu 5AA kanye nereferensi yalo Ohlwini Lwamafomu;

(g) ngokushintsha amafomu 1A no-1B kufakwe amafomu anamathiselwe;

(h) ngokufaka iFomu 9A elinamathiselwe njengefomu elisha;

Isihloko esifushane kanye nokuqalisa

39. Le mithethonqubo ibizwa ngeMithetho Yesibili Kazwelonke Yezokuthutha Ezihamba Phansi, yezi-2025 futhi izoqala ukusebenza ngosuku eyashicilelwa ngalo kuGazethi.



UMNYANGO WEZOKUTHUTHA

Isigungu Sokulawulwa Kwezinto Zokuthutha Umphakathi kuZwelonke

UMNYANGO WEZOKUTHUTHA EZIHAMBA PHANSI WEZI- 2009, (UMTHETHO 5 WEZI- 2009)

ISICELO SOKUNIKEZWA, SOKUVUSELELWA, SOKUCHIBIYELA, SOKUDLULISELA EGAMENI LOMUNYE NOMA SOKUGUQULWA SELAYISENSI YOKUTHUTHA NOMA IPHEMITHI.

ISIQEPHU A (Siyimpoqo kuzo zonke izinhlobo zezicelo)

UHLOBO LWESICELO

Lesi sicelo yisecelo se-:

Uhlobo lwesicelo:	Iziqephu eziyimpoqo okufanele zigcwaliswe ngumfakisicelo:
1) Ilayisensi yokuthutha entsha <input style="width: 40px; height: 20px; margin-left: 10px;" type="checkbox"/>	A, B, C, F, G, H, K, L
2) Ukudluliseka egameni lomunye ilayisensi yokuthutha noma iphemithi <input style="width: 40px; height: 20px; margin-left: 10px;" type="checkbox"/>	A, B, C, D, F, G, H, K, L
3) Ukuchitshiyelwa kwelayisensi yokuthutha noma iphemithi:	
a) Igunya elengeziwe <input style="width: 40px; height: 20px; margin-left: 10px;" type="checkbox"/>	
b) Ukuchitshiyelwa komzila noma indawo <input style="width: 40px; height: 20px; margin-left: 10px;" type="checkbox"/>	
c) Ukushintsha kwemininingwane <input style="width: 40px; height: 20px; margin-left: 10px;" type="checkbox"/>	
e) Ukuchitshiyelwa kwamathayimthebula, imithelo noma eminye imibandela <input style="width: 40px; height: 20px; margin-left: 10px;" type="checkbox"/>	
f) Ukushintsha imoto ekhona <input style="width: 40px; height: 20px; margin-left: 10px;" type="checkbox"/>	
g) I-OL yemoto eyenziwe kabusha <input style="width: 40px; height: 20px; margin-left: 10px;" type="checkbox"/> <input style="width: 40px; height: 20px; margin-left: 20px;" type="checkbox"/> <input style="width: 40px; height: 20px; margin-left: 20px;" type="checkbox"/>	
4) Ukuvuselelwa kwelayisensi yokuthutha noma iphemithi <input style="width: 40px; height: 20px; margin-left: 10px;" type="checkbox"/>	A, B, C, D, F, G, H, K, L
5) Ukuguqulwa kwephemithi noma kwelayisensi yokuthutha ibe ngeyesikhathi esinqunyiwe <input style="width: 40px; height: 20px; margin-left: 10px;" type="checkbox"/>	A, B, C, D, F, G, H, K, L

ISIQEPHU B (Siyimpoqo kuzo zonke izinhlobo zezicelo)

IMINININGWANE YOMFAKISICELO

Igama lenkampani, lebhizinisi lobambiswano noma enye inhlango esemthethweni, noma isibongo uma kungumnikazi oyedwa

Amagama okuqala, uma kungumnikazi oyedwa (hhayi ngaphezulu kuka-3)

IFOMU 1A IKHASI 4

Inombolo yefeksi (uma ikhona) Ikhodi

Ikheli le-imeyili (uma likhona)

Inombolo yokubhalisa yentela yemalingeniso

* Namathise isitifiketi soqobo sokubamsulwa kwezentela/ Iletha Phini yeSimo Sentobelontela yakwa-SARS

* Faka imvume ebhaliwe yomdluliseli

ISIQEPHU F (Siyimpoqo kuzo zonke izinhlobo zezicelo)

UHLOBO LOMSEBENZI WEZOKUTHUTHA UMPHAKATHI

[Thikha uhlobo lwesevisi: kungase kudingeke ukuthi uthikhe ngaphezu kokukodwa]

Uhlobo lomsebenzi	Umsebenzi webhasi ohleliwe		Umsebenzi wetekisi	
	Umsebenzi wokuthutha abasebenzi		Umsebenzi we- <i>charter</i>	
	Imoto yekhethesi		Umsebenzi we- <i>metered taxi</i>	
	* Sicela unamathisele ikhophi	Umsebenzi wokuthutha abafundi		Umsebenzi we- <i>e-Hailing</i>
	Umsebenzi wokuthutha izivakashi		Eminye imisebenzi	

eqinisekisiwe yesivumelwano phakathi komnini-moto nesikole noma esinye isikhungo semfundo noma incwadi yokugunyaza evela kuthishanhlolo noma isikhulu esiphethe esigunyaziwe.

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

Olunye uhlobo lomsebenzi (chaza)

Inani labagibeli abazothwalwa

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Esimeni sokuthutha kwebanga elide, chaza ukuthi kungani abagibeli bengakwazi

ukusebenzisa imisebenzi yokuthutha ekhona futhi ukhuthaze ukuthi kungani isevisi ehlongozwayo idingeka (imibhalo esekelayo inganamathiselwa).

Esimeni sokuvuselela, sokuchitshiyelwa, sokudluliswa noma sokuguqulwa, ingabe imisebenzi ihlinzekwe ngokuqhubekayo isikhathi esiyizinsuku eziyi-180

YEBO	CHA
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ngaphambi kosuku lokufaka isicelo?

Uma uthi CHA, nikeza izizathu

* Noma yiziphi

izincomo noma imibhalo esekela lesi sicelo ingananyathiselwa.

IFOMU 1A IKHASI 7

ISIQEPHU K (Siyimpoqo kuzo zonke izinhlobo zezicelo)

ISIFUNGO

Mina osayine ngezansi (igama eliphelele)
ngiyaqinisekisa ukuthi imininingwane enikezwe kuleli fomu lesicelo iyiqiniso futhi ilungile. Ngiyakwamukela ukuthi uma ulwazi oluhlinzekwe kulesi sicelo lutholakala lungamanga, isicelo sizonqatshwa futhi ngingase ngihoxiswe ekwenzeni isicelo selayisensi yokuthutha esikhathini esizayo.

Isiginesha

Usuku

Igama lomuntu

Igama lenkampani esemthethweni (uma likhona)

ISIQEPHU L (Siyimpoqo kuzo zonke izinhlobo zezicelo)

IMINININGWANE YEMOTO

Uma kuyisicelo esisha sicela ubonise uhlobo lwemoto/izimoto ohlose ukuzithenga (uma kungekho moto okungeyakho njengamanje):

* Sicela uqaphele ukuthi amalayisense okuthutha anikezwa imoto ngayinye. Ngakho-ke, umfakisicelo kudingeka akhokhe imali yemoto ngayinye esohlwini lwalesi sicelo. Uma izicelo zenzelwe izimoto ezingaphezu kwezintathu (3) sicela unamathisele ikhasi elihlukile eliqukethe imininingwane engezansi:

Inani lezimoto ezizothengwa:

Table with columns: Uhlobo: Inani Ilayisha abantu abangaki. Rows: Imoto, Ibhasi elincane, Ibhasi elikhulu (midibus), Ibhasi, Olunye uhlobo.

Imoto 1:

Inombolo yokubhaliswa yemoto

Inombolo yokwaziwa yemoto number (VIN)

IFOMU 1A IKHASI 8

Uhlobo lwemoto

Unyaka wokukhiqizwa kwemoto

Imekhi yemoto

Inani labagibeli abazothwalwa

Inani lamakhilomitha ahanjiwe Usuyithengile imoto? YEBO CHA

Imoto 2:

Inombolo yokubhaliswa yemoto

Inombolo yokwaziwa yemoto number (VIN)

Uhlobo lwemoto

Unyaka wokukhiqizwa kwemoto

Imekhi yemoto

Inani labagibeli abazothwalwa

Inani lamakhilomitha ahanjiwe Usuyithengile imoto? YEBO CHA

Imoto 3:

Inombolo yokubhaliswa yemoto

Inombolo yokwaziwa yemoto number (VIN)

Uhlobo lwemoto

Unyaka wokukhiqizwa kwemoto

Imekhi yemoto

Inani labagibeli abazothwalwa

Inani lamakhilomitha ahanjiwe Usuyithengile imoto? YEBO CHA

IFOMU 1A IKHASI 10

Ilayisensi yokuthutha 3:

Inombolo yelayisensi yokuthutha

Isebenza kusuka / / kuya / /
Y Y Y Y M M D D Y Y Y Y M M D D

Imininingwane yesicelo efakiwe ku- / / OLAS
Y Y Y Y M M D D

Usuku ehanjiswe ngayo ukuthi / / ishicilelwe
Y Y Y Y M M D D

Usuku olushiwo kuma-PRE / / nakuSiphathimandla Esihlelayo
Y Y Y Y M M D D

*Esimeni samalayisense okuthutha engeziwe, hlinzeka ngemininingwane efanayo eshidini elihlukile ulinamathisele.

OKWEHHOVISI KUPHELA

Usuku okwamukelwe ngalo isicelo / /
Y Y Y Y M M D D

Imininingwane yesicelo efakwe ku- / / OLAS
Y Y Y Y M M D D

Inombolo yereferensi

Inombolo yerisidi

Imali ekhokhiwe R

Usuku ehanjiswe ngayo ukuthi / / ishicilelwe
Y Y Y Y M M D D

Usuku olushiwo kuma-PRE / / nakuSiphathimandla Esihlelayo
Y Y Y Y M M D D

Isebenza kusuka / / kuya / /
Y Y Y Y M M D D Y Y Y Y M M D D

Igama lesikhulu
 / /
Y Y Y Y M M D D

IFOMU 1A IKHASI 11

UHLU LOKUHLOLA		
Ikhophi eqinisekisiwe yokukodwa kulokhu okulandelayo:	Umazisi waseNingizimu Afrika	
	Iphasiphothi	
	Umazisi wesikhashana waseNingizimu Afrika	
	Umazisi wangaphandle	
	Isivumelwano Sobambiswano	
	Izinyathelo ezishicilelwe zebhodi/ Isivumelwano sokusungula	
Isitifiketi soqobo sokubamsulwa kwezentela/ Iphini yeSimo Sentobelontela yakwa-SARS		
Ilayisensi yemoto esemthethweni kanye nokubhaliswa		
Usayine isitatimende sokuthi uzohambisana nemithetho yezabasebenzi maqondana nabashayeli nabanye abasebenzi, kanye nezinqumo zomkhakha woMnyango Wezokuqashwa Nezabasebenzi.		
Amakhophi amalayisense okuthutha noma amaphemithi ezimoto ezithuthayo (uma zikhona).		
Incwadi noma idokhumenti yokuncoma esekela isicelo (uma ikhona).		

IFOMU 1B IKHASI 1

ILOGO YESIFUNDAZWE

***** ISIGUNGU SESIFUNDAZWE

UMTHETHO KAZWELONKE WEZOKUTHUTHA EZIHAMBA PHANSI, WEZI-2009 (UMTHETHO5 WEZI- 2009)

ISICELO SOKUNIKEZWA, SOKUVUSELELWA, SOKUCHIBIYELA, SOKUDLULISELA EGAMENI LOMUNYE NOMA SOKUGUQULWA SELAYISENSI YOKUTHUTHA NOMA IPHEMITHI

ISIQEPHU A (Siyimpoqo kuzo zonke izinhlobo zezicelo)

UHLOBO LWESICELO

Lesi sicelo yisecelo se:

Uhlobo lwesicelo:		Iziqephu eziyimpoqo okufanele zigcwaliswe ngumfakisicelo:
1) Ilayisensi yokuthutha entsha	<input type="checkbox"/>	A, B, C, F, G, H, K, L
2) Ukudluliselela egameni lomunye ilayisensi yokuthutha noma iphemithi	<input type="checkbox"/>	A, B, C, D, E, F, G, H, K, L A, B, C, D, F, G, H, K, L
3) Ukuchitshiyelwa kwelayisensi yokuthutha noma iphemithi:		
d) Igunya elengeziwe		
e) Ukuchitshiyelwa komzila noma indawo	<input type="checkbox"/>	
f) Ukushintshwa kwemininingwane	<input type="checkbox"/>	
h) Ukuchitshiyelwa kwamathayimuthebula, imithetho eminye imibandela	<input type="checkbox"/>	
i) Ukushintsha imoto ekhona	<input type="checkbox"/>	
j) I-OL yemoto eyenziwe kabusha	<input type="checkbox"/>	
4) Ukuvuselelwa kwelayisensi yokuthutha noma iphemithi	<input type="checkbox"/>	A, B, C, D, F, G, H, K, L
5) Ukuguqulwa kwephemithi noma kwelayisensi yokuthutha ibe ngeyesikhathi esinqunyiwe	<input type="checkbox"/>	A, B, C, D, F, G, H, K, L

ISIQEPHU B (Siyimpoqo kuzo zonke izinhlobo zezicelo)

IMININGWANE YOMFAKISICELO

Igama lenkampani, lebhizinisi lobambiswano noma enye inhlangothi esemthethweni, noma isibongo uma kungumnikazi oyedwa

<input type="text"/>

Amagama okuqala, uma kungumnikazi oyedwa (hhayi ngaphezulu kuka-3)

<input type="text"/>

Uhlobo lokwaziwa

*Namathisela eqinisekisiwe

ikhophi

Umazisi waseNingizimu Afrika	<input type="text"/>	Umazisi wesikhashana	<input type="text"/>
Iphasiphothi	<input type="text"/>	Umazisi wangaphandle	<input type="text"/>
Isitatimende sokusungula	<input type="text"/>	Isitifiketi senkampani	<input type="text"/>
Incwadi yeGunya	<input type="text"/>	Isivumelwano Sobambiswano	<input type="text"/>

IFOMU 1B IKHASI 2

Inombolo kamazisi/Inombolo yephasiphothi
Inombolo yokubhaliswa kwebhizinisi

Igama lokuhweba (uma likhona)

Uhlobo lwebhizinisi

Ikheli leposi nekhodi

 Ikheli leposi

Ikheli lomgwaqo (uma lihukile ekhelini leposi)
Ikheli lendawo yokuhlala
 Ikheli leposi

Izinombolo zocingo Ikhodi
 Ikhodi

Inombolo yefeksi (uma ikhona) Ikhodi

Ikheli le-imeyili (uma likhona)

Inombolo yokubhalisa yentela [Namathise isitifiketi soqobo kwezentela] yemalingeniso sokubamsulwa

ISIQEPHU C (Siyimpogo kuzo zonke izinhlobo zezicelo)

IMININGWANE YOMUNTU OPHETHE INKAMPANI ESEMTHETHWENI

Esimeni senkampani, ubambiswano, i-close corporation noma enye inkampani esemthethweni, iminingwane yomuntu onesibopho sokuyimela kufanele inikezwe:

Isibongo

Amagama okuqala (angabi ngaphezu kuka-3)

Inombolo kamazisi

Uhlobo lokwaziwa

Umazisi Afrika	waseNingizimu	Iphasiphothi
Okunye (cacisa)		

Inombolo yocingo Ikhodi

Inombolo yeselula

ISIQEPHU D (Siyimpogo ezicelweni 2,3,4 kanye no- 5)

IMININGWANE YELAYISENSI EKHONA YOKUTHUTHA NOMA YEPHEMITHI (esimeni sesicelo sokuvuselela, sokuchitshiyelwa, sokudlulisela egameni lomunye noma sokuguqulwa)

Inombolo yelayisensi yokuthutha/yephemithi

ISIGUNGU SOKULAWULWA KWEZOKUTHUTHA esikhiphe ilayisensi yokuthutha/iphemithi

IFOMU 1B IKHASI 3

Usuku lokukhipha

Y	Y	Y	Y

 /

M	M

 /

D	D

 Usuku ephelwa ngayo isikhathi

Y	Y	Y	Y

 /

M	M

 /

D	D

Namathisela ikhophi eqinisekisiwe yelayisense yokuthutha noma yephemithi. Iphemithi kufanele iqale iguqulwe ibe ilayisense yokuthutha ngaphambi kokuba ivuselelwe, ichtshiyelwe noma idluliselwe egameni lomunye. Iphemithi yoqobo kufanele ilethwe lapho kunyuswa ilayisense yokuthutha

ISIQEPHU E (Siyimpoqo kuzo zonke izinhlobo zezicelo)

IMININGWANE YOMFAKISICELO

Igama lenkampani, lebhizinisi lobambiswano noma enye inhlango esemthethweni, noma isibongo uma kungumnikazi oyedwa

Amagama okuqala, uma kungumnikazi oyedwa (hhayi ngaphezulu kuka-3)

Uhlobo lokwaziwa	Umazisi waseNingizimu Afrika	Umazisi wesikhashana	
*Namathisela ikhophi eqinisekisiwe	Iphasiphothi	Umazisi wangaphandle	
	Isitatimende sokusungula	Isitifiketi senkampani	
	Izincwadi zeGunya (ithrasti)	Isivumelwano Sobambiswano	

Inombolo kamazisi/ Inombolo yephasiphothi inombolo yokubhaliswa kwebhizinisi

Igama lokuhweba (uma likhona)

Uhlobo lwebhizinisi

Ikheli leposi nekhodi

Ikhodi yeposi									
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Ikheli lomgwaqo (uma lihukile ekhelini leposi) *Ikheli lendawo yokuhlala*

Ikhodi yeposi									
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Izinombolo zocingo

 Ikhodi

Ikhodi

Inombolo yefeksi (uma ikhona)

 Ikhodi

Ikheli le-imeyili (uma likhona)

Inombolo yokubhalisa yentela

 yemalingeniso

* Namathise isitifiketi soqobo sokubamsulwa kwezentela/ Iletha Phini yeSimo Sentobelontela yakwa-SARS

* Faka imvume ebhaliwe yomdluliseli

IFOMU 1B IKHASI 4

ISIQEPHU F (Siyimpoqo kuzo zonke izinhlobo zezicelo)

UHLOBO LOMSEBENZI WEZOKUTHUTHA UMPHAKATHI

[Thikha uhlobo lwesevisi: kungase kudingeke ukuthi uthikhe ngaphezu kokukodwa]

Uhlobo lomsebenzi * Sicela unamathisele ikhophi	Umsebenzi webhasi ohleliwe		Umsebenzi wetekisi	
	Umsebenzi wokuthutha abasebenzi		Umsebenzi we- <i>charter</i>	
	Imoto yekhethesi		Umsebenzi ye-metered taxi	
	Umsebenzi wokuthutha abafundi		Umsebenzi we e-Hailing	
	Umsebenzi wokuthutha izivakashi		Eminye imisebenzi	

eqinisekisiwe yesivumelwano phakathi komnini-moto nesikole noma esinye isikhungo semfundo noma incwadi yokugunyaza evela kuthishanhlolo noma isikhulu esiphethe esigunyaziwe.

*Namathisele amakhophi aqinisekisiwe amaphemithi okushayela (PrDP) abo bonke abashayeli abazokwenza le misebenzi yokuthutha.

Olunye uhlobo lomsebenzi (chaza)

Inani labagibeli abazothwalwa

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Esimeni sokuthutha kwebanga elide, chaza ukuthi kungani abagibeli bengakwazi

ukusebenzisa imisebenzi yokuthutha ekhona futhi ukhuthaze ukuthi kungani isevisi ehlongozwayo idingeka (imibhalo esekelayo inganamathiselwa).

Esimeni sokuvuselela, sokuchitshiyelwa, sokudluliswa noma sokuguqulwa, ingabe imisebenzi ihlinzekwe ngokuqhubekayo isikhathi esiyizinsuku eziyi-180

YEBO

CHA

ngaphambi kosuku

lokufaka isicelo?

Uma uthi CHA, nikeza izizathu

* Noma yiziphi izincomo noma imibhalo esekela lesi sicelo ingananyathiselwa.

Usayine isitatimende sokuthi uzohambisana nemithetho yezabasebenzi maqondana nabashayeli nabanye abasebenzi, kanye nezinqumo zomkhakha woMnyango Wezokuqashwa Nezabasebenzi.	
Amakhophi amalayisense okuthutha noma amaphemithi ezimoto ezithuthayo (uma zikhona).	
Incwadi noma idokhumenti yokuncoma esekela isicelo (uma ikhona).	

IFOMU 9A IKHASI 1



**ISIGUNGU SOKULAWULWA KWEZINTO ZOKUTHUTHA UMPHAKATHI KUZWELONKE
UMNYANGO WEZOKUTHUTHA EZIHAMBA PHANSI WEZI- 2009, (UMTHETHO 5 WEZI- 2009)**

ISICELO SOKUBHALISA NOMA SOKUVUSELELA KOMHLINZEKI WENKUNDLA YE-E-HAILING

Sicela uthikhe ibhokisi elifanele:

Isicelo sokubhalisa Isicelo sokuchibiyela imibandela yokubhalisa
 Isicelo sokuvuselela ukubhalisa

ISIQEPHU A

ISICELO SOKUBHALISA NOMA SOKUVUSELELA KOMHLINZEKI WENKUNDLA YE-E-HAILING **

Igama lenkampani,
 lebhizinisi

lobambiswano noma enye inhlangothi esemthethweni, noma isibongo uma kungumnikazi oyedwa

Amagama okuqala, uma kungumnikazi oyedwa (hhayi ngaphezulu kuka-3)

Uhlobo lokwaziwa *(Namathisela ikhophi eqinisekisiwe)	Umazisi waseNingizimu Afrika	Umazisi wesikhashana	
	Iphasiphothi	Umazisi wangaphandle	
	Isitatimende sokusungula	Isitifiketi senkampani	
	Izincwadi zeGunya (ithrasti)	Isivumelwano Sobambiswano	

Inombolo kamazisi/ Inombolo yephasiphothi inombolo yokubhaliswa kwebhizinisi

Igama lokuhweba (uma likhona)

Uhlobo lwebhizinisi

Ikheli leposi nekhodi

 Ikhodi yeposi

