

PROVINCIAL NOTICE

[No. 32 of 2004]

SPECIAL PROCEDURES FOR METERED TAXI SERVICES REGULATIONS, 2004

By virtue of section 54(1)(b)(iv) of the Free State Interim Passenger Transport Act, 1998 (Act No. 16 of 1998), I, SMA Malebo, Member of the Executive Council responsible for Public Works, Roads and Transport in the Province, hereby make the regulations as contained in the Schedule.

SCHEDULE

Definitions

1. In these regulations, a word to which a meaning has been assigned by the Provincial Act, shall have the same meaning, unless the context otherwise indicates, and –

“**constitution**” means a set of rules and procedures that govern the affairs of a metered taxi association;

“**metered-taxi service**” means a public transport service operated by means of a motor vehicle which is designed, or lawfully adapted by a registered manufacturer in compliance with the Road Traffic Act, 1989 (Act No. 29 of 1989), to carry fewer than nine seated persons, including the driver, where that vehicle –

- (a) is available for hire by hailing, by telephone or otherwise;
- (b) may stand for hire at a rank; and
- (c) is equipped with a sealed meter, in good working order, for the purpose of determining the fare payable;

“**the Board**” means the Operating Licensing Board established for the Province in compliance with Chapter 2 of the Provincial Act to perform the functions mentioned in that Chapter; and

“**the Provincial Act**” means the Free State Interim Passenger Transport Act, 1998 (Act No. 16 of 1998) or a replacement Act.

General requirements

2. The Board must only grant operating licences to public transport operators to provide metered taxi services who meet the following requirements:
 - (a) The public transport operator must be a member of a registered or provisionally registered metered taxi association and must reside within the area of operation of such association;
 - (b) Where such registration of association or operator as contemplated in subregulation (a) has not been confirmed, the public transport operator shall be required to prove he or she has applied for such registration;
 - (c) The public transport operator must have an acceptable vehicle registered in his or her name that may be used for metered taxi services in terms of the Provincial Act, and is not used for other public transport services other than for metered taxi services as authorised by the operating licence;
 - (d) The public transport operator must have a sealed meter as approved by the Board in his or her vehicle and ensure that the meter is in good working order at all times.

Registration of metered taxi associations

3. The Registrar must receive, consider and decide on applications for the registration or provisional registration of metered taxi associations based in the province and their members in a manner similar to that of associations as provided for in section 18 of the Provincial Act.

Application for registration of metered taxi associations

4.
 - (1) An application for the registration of a metered taxi association or a member thereof must be completed on the relevant prescribed form in Annexure A of Regulations in terms of Act 16 of 1998 (Proclamation No. 228 of 1998). The form must be submitted to the Registrar with the relevant application fee prescribed in Annexure B of Regulations in terms of Act 16 of 1998 (Proclamation No. 228 of 1998) (if applicable).
 - (2) All information required by the application form must be given in full. The Registrar may refuse to accept an application that is not fully completed.
 - (3) A registration certificate issued to a metered taxi association must be in the relevant form prescribed in Annexure A referred to in subregulation 1 above.

- (4) Annual fees prescribed in Annexure B referred to in subregulation 1 above shall be payable by a metered taxi association, the first amount which is payable not later than one year after the date of initial registration, and thereafter annually not later than that date.
- (5) An association that fails to pay the prescribed annual fees by the due date is liable to a penalty, an amount of which shall be determined by the Board.

Standard Constitution

5. The Standard Constitution to which metered taxi associations must adhere is as set out in Annexure C of the Regulations issued in terms of Act 16 of 1998 (Proclamation No. 228 of 1998) (if applicable).

Minimum number of members of associations required for registration of association

6. The minimum number of members, which a metered taxi association must have before it may be registered in terms of the Act, is 15 (excluding a conditional member referred to in the Standard Constitution).

Fees

7. All applicants contemplated in regulation 3, must pay a non-refundable application fee of R200 per vehicle to the Board upon application.

Short title

8. These Regulations shall be called the Special Procedures for Metered Taxi Services Regulations, 2004.