

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRANSPORT NOTICE 263 OF 2018



Ministry of Transport and Public Works

INTENTION TO INSTITUTE EXTRAORDINARY MEASURES IN A DECLARED AREA

1. Background and purpose of regulations

- 1.1 The Delft residential area borders Khayelitsha and has an estimated population of some 650 000. The area was officially opened in 1989. Delft is regarded as one of the fastest growing residential areas in the Cape metropolitan area given several new formal and informal housing developments. Given the exponential increase in population, minibus-taxis continue to respond to the demand for services. This has resulted in fierce competition for passengers, route invasions and violent conflict.
- 1.2 Despite various interventions by government and other stakeholders, violence within the minibus-taxi industry has escalated within the past five years. A number of engagements / mediation efforts have taken place with affected associations over the past five years and government has invested significant funding, resources and time to stabilise the area. These interventions have yielded limited success. Route associations and federal structures continue to compete to monopolise taxi routes and to take control of certain areas.
- 1.3 The area has also attracted a significant number of illegal operators and this has resulted in aggressive touting / solicitation for passengers as well as a reduction in profitability and vehicle standards. The proliferation in illegal operators has also resulted in recurring conflict and the loss of human lives.
- 1.4 Several conflicts have been reported in the past five years. This includes, inter-alia, conflict between associations over control of the Delft- Epping route, the introduction of the unregistered Delft Unity Taxi Association, conflict between CATA Seawater Taxi Association and Delft – Cape Town Taxi Association, conflict on the Delft – Claremont / Wynberg routes, etc. The Office of the Registrar has received several reports indicating violations of the Code of Conduct and Standard Constitution for minibus-taxi operators, contraventions of operating licence conditions and other legal prescripts and a general disregard for the rule of law by minibus-taxi associations and members.
- 1.5 On 11 May 2018, two taxi drivers were brutally killed in the Leiden area. On 21 May 2018, the Chairperson of Delft – Cape Town Taxi Association was gunned down in close proximity to the Roosendal Taxi Rank. It is our view that the situation in Delft has deteriorated to such an

extent that the safety of passengers can no longer be guaranteed. This is an exigent situation that requires urgent intervention.

2. Proposed Action/Regulations

2.1 As the Minister responsible for transport and public works in the Province of the Western Cape, it is my intention to invoke my powers in terms of section 91 of the National Land Transport Act (Act 5 of 2009)(NLTA). After consultation with the relevant planning authority (in this case the City of Cape Town), I have decided to declare the **Delft** area as high-risk in respect of taxi violence. I am hereby giving notice of my intention to take one or more or all of the actions listed below:

- To close all ranks and routes in the declared area for the operation of any type of minibus-taxi type service for the period stated in the notice. These routes are shown in Annexure A. Please note that all routes to and from the Delft residential area are affected. This includes routes that are not shown in Annexure A;
- To suspend all operating licences and permits authorising minibus-taxi type services on the closed routes and ranks in the declared area for the relevant period;
- To instruct that no person may undertake any minibus-taxi type services to and from the declared area or in terms of an operating licence or permit that has been suspended; and
- To allow other operators, who need not be the holders of operating licences/permits for the affected routes/area currently, to come in and provide the services in the interim period until the situation returns to normal.

Please note that these actions will be implemented in phases at my judgement after consultation with other government departments and affected stakeholders.

2.2 This untenable situation is compromising peace and stability within the minibus-taxi industry and could result in further incidents of violence and the loss of human lives. This should be avoided at all cost. ***To stabilise the situation and to avert further tension between disputing parties, it is my intention to close all ranks and routes in the Delft residential area.*** This effectively means that no minibus-taxi type operations will be allowed in the Delft area. This includes routes starting in other areas and ending in the Delft residential area. Should further incidents of violence occur, I will review my current position. This may result in further remedial action. No minibus-taxi operations will be allowed in the affected area. I reserve the right to close other affected ranks and routes depending on the progress made by departmental officials, advice received from other stakeholders/government departments and the situation on the ground.

2.3 It is my intention to close the following network of routes for minibus-taxi type operations ***(See Annexure A)***. Please note that all minibus taxi routes to and from the Delft area are affected. This includes routes not shown in Annexure A.

It is my intention to close the following ranks for minibus-taxi type operations:

Rank name	Physical address	Status
Roosendal minibus-taxi rank	Off Delft Main Road & The Hague Avenue	Official
Voorbrug minibus-taxi rank	Corner of Delft Main Road & Voorbrug Road	Official
Eindhoven minibus-taxi rank	Corner of Delft Main Road and Eindhoven Road	Official
Suburban Bliss minibus-taxi rank ("Die Blad")	Corner of Delft Main Road and Sandalwood Road	Official
1 st Mango Rank	Off Delft Main Road and Tamarisk Street	Official
Leiden minibus-taxi rank	Corner of Delft Main Road and Leiden Road	Unofficial
The Hague minibus-taxi rank	Off The Hague Main Road	Unofficial
SAPS minibus-taxi rank	Off Delft Main Road (opposite SAPS)	Unofficial
2 nd Mango minibus-taxi rank	Off Delft Main Road	Unofficial
Mango – Nyanga minibus-taxi rank	Corner of Delft Main Road and Symphony Road	Unofficial
Blikkiesdorp minibus-taxi rank	Off Symphony Road	Unofficial

- 2.4 I will forthwith request the South African Police Services to call an urgent meeting of the Provincial Joints Committee to inform them of my intention to declare Delft a high-risk area in respect of taxi violence and to close all routes and ranks in the area for operation of minibus-taxi type services. All law enforcement agencies form part of the Provincial Joints Committee as well as the National Prosecuting Authorities. This will afford law enforcement agencies and other affected stakeholders sufficient time to develop a contingency plan to deal with a possible contravention of these regulations, a disruption in travel patterns and the provision of alternate transport.
- 2.5 If there are any further occurrences of violence, I will have no option but to close the mentioned routes/rank for a period of two months. Before the rank/routes are closed, I will publish a final notice in the government gazette. This will allow my Department sufficient time to assess the situation and to develop interceding measures. If peace and stability in the area is restored before the end of the two-month period, I will review my decision. Should my Department be unable to resolve the conflict within the stipulated period, the regulations will prevail for a further two-month period.
- 2.6 Where the rank/routes are closed, all affected permits/operating licences (for the routes mentioned in paragraph 2.3) will be suspended for the same period (mentioned in paragraph 2.5). The provision of public transport services on the closed routes or in declared area by current operators constitutes an offence and a fine of R5000 or imprisonment, not exceeding 6 months, may be imposed. Vehicles will also be impounded if the terms and conditions of the regulations are breached. Please note that an offending operator also runs the risk of having his or her operating licence/permit withdrawn using the provisions of section 79 of the NLTA.
- 2.7 I also intend to use my powers in terms of section 74 of the NLTA to allow other operators, who need not be the holders of operating licences/permits for the affected routes/area currently,

to come in and provide the services in the interim period until the situation returns to normal. Temporary operating licences will be issued for this purpose using the provision of section 91(6) read together with section 60 of the NLTA.

3. Comments/Representations by interested or affected parties

- 3.1 All persons who have an interest in the matter or who are affected by such regulations may make written representations to the Department before the date indicated in 3.2 below and may also request reasons for the proposed regulations.
- 3.2 Representations may be submitted to the Department of Transport and Public Works, 8th Floor, Dorp Street, Cape Town on or before **25 May 2018**.



DAC Grant MPP

MEC: Transport and Public Works

Western Cape Province

Date: *21 May 2018*

ANNEXURE A	
Route no.	Route Origin and Destination
44	The Hague Delft - Mitchells Plain
46	Voorbrug Delft - Mitchells Plain
47	The Hague Delft - Parow
48	Voorbrug Delft - Parow
49	The Hague Delft - Bellville
50	Eindhoven Delft - Cape Town
51	Eindhoven Delft - Parow
52	Eindhoven Delft - Elsies River
53	Voorbrug Delft - Elsies River
55	Parow Sanlam Centre - Voorbrug Delft
65	Parow Station - Belhar Delft
98	Melton Rose - Delft
115	Voorbrug Delft - Bellville
125	Voorbrug Delft - Cape Town
133	Eindhoven Delft - Bellville
134	The Hague Delft - Cape Town
162	The Hague Delft - Elsies River
240	Tygerberg Hospitaal - Delft
330	Bellville - Delft
399	Eindhoven Delft - Mitchells Plain
453	Parow - Delft
520	The Hague Delft - Bellville
591	Elsies River - Eindhoven Delft
597	Unibell - The Hague Delft
598	Unibell - Voorbrug Delft
599	Unibell - Eindhoven Delft
A67	Delft - Elsies River
A92	Eindhoven - Unibel

A97	Delft Suid - Bellville
A99	Voorbrug - Unibell
C2	Delft South - Elsie's River
C62	Delft South - Unibell
D8	Beaufort West - The Hague Delft
E36	Delft South - Cape Town
E39	Unibell - Delft-Suid
E94	Delft South - Parow
E95	Delft South - Parow
E96	Pentech Spoorwegstasie - Delft-Suid
F40	Delft South - Mitchells Plain
F78	Eindhoven - Mitchells Plain
F9	Khayelitsha - Delft
F99	Tygerberg Hospitaal - Delft - Suid
G16	Sanlam Centre Parow - Delft
H58	Delft Suid - Elsie's River
H59	Eindhoven Delft - Bellville
H82	Parow - Delft
H83	Sanlam Centre, Parow - Delft
H84	Sanlam Centre Parow - Delft
J64	Langa - Delft
J65	Leiden Delft - Elsie's River
K76	Suburban Bliss - Killarney
K81	Parow - Delft
L18	Leiden/Delft - Bellville
L3	Delft - Wynberg
L33	Leiden - Elsie's River
L34	Delft - Wynberg
L37	Delft - Wynberg And Return
L39	Nyanga Taxi Rank - Delft
L5	Delft - Wynberg Via Claremont
L52	Leiden/Delft - Bellville

L68	Suburban Bliss - Athlone
L69	Suburban Bliss - Mowbray
L70	Suburban Bliss - Cape Town
L71	Suburban Bliss - Cape Town
L72	Suburban Bliss - Sea Point
L73	Suburban Bliss - Elsie's River
L74	Suburban Bliss - Parow
M23	Leiden Delft - Mitchell's Plain
M26	Leiden Delft - Mithcell's Plain
M7	Delft South - Epping
M8	Delft South - Epping
O14	Leiden Delft - Cape Town
O65	Suburban Bliss To Tygerberg Station
O98	Roosendal - Bellville
P52	Suburban Bliss - Tygerberg Station
P66	Leiden - Parow
Q4	Suburban Bliss - Wynberg
S58	Suburban Bliss - Nyanga
S59	Delft - Parow Via Blikkies Dorp
S60	Delft - Parow Via Blikkies Dorp
X64	Delft - Kuilsriver Cbd (1)
X65	Delft - Kuilsriver Cbd (2)
X66	Delft - Blackheath Station
X67	Delft - Mfuleni
X68	Delft - Epping
X69	Delft - Stellenbosch Station
X70	Mfuleni - Delft

Please note that all routes to and from the Delft residential area will be closed. This includes routes not shown in Annexure A.