

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRANSPORT

NOTICE 416 OF 2021



Ministry of Transport and Public Works

INTENTION TO INSTITUTE EXTRAORDINARY MEASURES IN A DECLARED AREA

1. Background and purpose of regulations

- 1.1 Over the last year, disputes over minibus-taxi routes between associations affiliated to the so-called 'mother-bodies', CATA and CODETA, have resulted in on-going incidents of violence, damage to property and the multiple loss of lives. Despite concerted efforts by the Department of Transport and Public Works and affected municipalities to meet with relevant associations/representative structures and to supply mediation and arbitration services, the violence continues to escalate.
- 1.2 Most of the incidents of violence have occurred at the Bellville Public Transport Interchange and minibus-taxi ranks in the Mbekweni (greater Paarl) area as associations affiliated to these two mother bodies fight over operating rights on route B97 (Mbekweni Paarl – Bellville). Minibus-taxi operations on this route are currently the subject of an arbitration process between CATA Boland Taxi Association and Paarl Alliance Taxi Association (affiliated to CODETA). The conflict between associations affiliated to these mother bodies on route B97 has also spilled over to other areas/routes served by CATA and CODETA. The situation has degenerated to such an extent that the safety of commuters using these services and residents entering the area cannot be guaranteed.
- 1.3 On 5 July 2021 several violent incidents occurred within the Mbekweni area between members of the mentioned associations. Most of these incidents took place at the Mbekweni taxi rank situated in Mohajane Street as well as the informal taxi rank located at the Shoprite Midway Centre in Mbekweni. According to reports, several operators belonging to CATA prevented members of Paarl Alliance Taxi Association (CODETA) from providing minibus-services from the aforementioned ranks.

- 1.4 Between Monday 5 July 2021 and Wednesday 7 July 2021 several senseless killings were reported within the minibus-taxi environment. We have received information from the South African Police Services that eleven people have lost their lives in the on-going conflict. This includes commuters using these taxi services. In addition, 11 attempted murders were reported. A number of passengers and innocent bystanders were injured during these violent incidents.
- 1.5 Further incidents of violence and shootings also occurred at the Bellrail Road "illegal" rank in Bellville, which is occupied by CODETA operators. Operations at the Bellville interchange were also disrupted, leaving commuters stranded. Several minibus-taxi routes converge at Bellville interchange making it one of the busier public transport facilities within the City of Cape Town area.
- 1.6 SAPS and other law enforcement agencies have been deployed in the various clusters to try to stabilise the area and have requested the Department of Transport and Public Works to invoke its statutory powers to stabilise the situation. As a department we are duty-bound to take decisive action in the interest of the commuting public and the safety of operators and drivers. A transport contingency plan will be implemented to ensure minimal disruptions to travel patterns and alternative transport services for commuters.

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 authorities, I have decided to declare the Bellville and Paarl areas as high-risk in respect of taxi violence. I am hereby giving notice of my intention to take one or more or all the actions listed below:
 - 2.1.1 To close route B97 for all minibus-taxi associations. In the event of further violence, I will also close all other routes jointly served by CATA Boland and Paarl Alliance Taxi Associations;
 - 2.1.2 To close the following taxi ranks for any type of minibus-taxi service for the period stated in the notice:

Rank name	Physical address	Status
Mbekweni rank	Mohajane Street, Mbekweni	
Mbekweni rank Shoprite	Midway Centre, Mbekweni	
Bellville Public Transport Interchange	37 Charl Malan Street	

- 2.1.3 To close the following loading lanes at the Bellville Public Transport Interchange for any type of minibus-taxi service for the period stated in the notice:

Loading Lane	Minibus Taxi route
1	Tyger Valley
2	Durbanville
3	Welgemoed
4	Gugulethu
5	Mowbray
6	Nyanga
7	Kraaifontein
8	Kraaifontein
9	Kuilsrivier
11	Lower Crossroads
12	Langa
13	Samora Machel
14	Stellenbosch
15	Mitchells Plain
25	Khayelitsha
26	Khayelitsha
27	Khayelitsha
28	Happy Valley
29	Mfuleni
30	Wesbank

2.1.4 To close the long-distance facility at the Bellville Public Transport Interchange for any type of minibus-taxi service for the period stated in the notice:

Long Distance Routes facility
Atlantis
Du Noon
Strand
Paarl
Hermanus
Malmesbury
Worcester
Ceres

2.1.5 Please note that it is my view that the violence may spread to other routes/ranks in the surrounding areas. I therefore reserve the right to close other routes and/or ranks at a later stage depending on the situation on the ground and reports received from stakeholders;

2.1.6 To suspend all operating licences and permits authorising minibus-taxi type services on the closed route in the declared area for the relevant period.

2.1.7 To instruct that no person may undertake any minibus-taxi type services on the closed routes or from the closed ranks.

2.1.8 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 based on 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, damage to property and the potential loss of human lives. This should be avoided at all costs. 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.

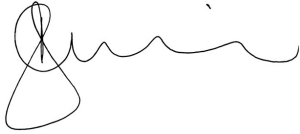
- 2.3 I will inform the South African Police Services, the National Prosecuting Authority, and the affected planning authorities of my intention to declare the identified areas, close certain ranks and routes and suspend affected operating licences in order to stabilise the situation. This will afford these key 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 alternative transport.
- 2.4 If there are any further occurrences of violence, I will have no option but to close the mentioned routes/ranks 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 are 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 apply for a further two-month period.
- 2.5 Where the rank/routes are closed, all affected permits/operating licences for the routes mentioned in paragraph 2.1.1) will be suspended for the same period (mentioned in paragraph 2.4). The provision of public transport services on the closed routes or from the closed ranks by current operators constitute an offence and a fine of R5000 or a term of 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.
- 2.6 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 to 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.
- 2.7 Furthermore, I will request the Provincial Regulatory Entity to use the provisions of section 79(2)(b) of the National Land Transport Act (Act no.5 of 2009) to take action against any operator who does not carry out faithfully the conditions of his/her operating licence.

2.8 I will also request the Provincial Taxi Registrar to institute action against the two affected associations in terms of section 7(A)(20) of the Road Transportation Act (Act no.74 of 1977) as amended by the Western Cape Road Transportation Act, Amendment Law (Act no.8 of 1996) for violating certain provisions of the Code of Conduct and Standard Constitution for minibus-taxi associations and operators.

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 16 July 2021.



Daylin Mitchell
MINISTER OF TRANSPORT AND PUBLIC WORKS
Date: 9 July 2021