

# ENDUMENI MUNICIPALITY

## BY-LAWS RELATING TO THE REGULATION OF MINI BUS TAXIS & BUSES

### 1. Application of By-Laws

These by-laws shall apply to all minibus/-taxis or public buses operating within the Endumeni Municipality Councils area of jurisdiction and cover:

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2. **Non-Discrimination**

- (a) Subject to the provision of subsection (b) hereof, no provision of these By-Laws shall be applied to discriminate between persons on the ground of race, religion or gender nor shall it be so construed as to authorised such discrimination.
- (b) Despite the provisions of subsection (a) hereof, discrimination on the grounds of gender may expressly be authorised in terms of any provision of these bylaws that describes the wearing of appropriate apparel in a public place or imposes a restriction upon the entry of persons into public ablution, toilet and change room facilities or prescribes different standards for such facilities.

**PART 1: DEFINITIONS**

For the purpose of these By-Laws any word that has a meaning assigned to it in the National Road Traffic Act or the Road Traffic Regulations promulgated there under, shall have the meaning in these By-Laws. In case of any conflicts in the definitions, the meanings as described in the National Road Traffic Act 1996 (Act No. 93 of 1996) prevails. Unless the context otherwise indicates, the under mentioned words shall have the following meanings:

“Act”	means the National Road Traffic Act, 1996 (Act No. 93 of 1996)
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“Authorised Officer”	means an examiner of vehicles, examiner for driving licenses, or traffic officer and also any other person declared by the Minister of Transport by regulation to be an authorised officer, from time to time, and shall include a peace officer as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996)
“By-Law”	means a By-Law drawn up in terms of Section 80A of the National Road Traffic Act, 1996 (Act No. 93 of 1996) read with section 31(2) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)
“Municipal Manager”	means the Official duly appointed by Council to this position or any person authorised to act for him
“Conductor”	means the person in the employ of the “operator” having charge of a minibus taxi vehicle and/or bus for the purposes of collecting fares, thereon, and shall include, in the case of a one-manned vehicle, the employee in charge of such vehicle;
“Council”	means the Endumeni Municipal Council and includes any person with delegated authority to act on behalf of the Council

“Driver”	means any person who drives or attempts to drive a public transport vehicle
“Holding”	is the parking of a minibus taxi and/or bus between trips
“Midibus Taxi”	means a sub-category of bus, designed or modified solely or principally for the conveyance of more than 16 and less than 35 seated persons (including the driver)
“Minibus Taxi”	means a public transport vehicle designed solely or principally for the conveyance of not more than fifteen passengers and not less than nine including the driver, and used for hire or reward and operating or plying for hire and reward or as defined by future legislation in terms of unscheduled services
“Minibus Taxi Operator”	means the person responsible for the use of a minibus taxi, and who has been registered as the operator with the Provincial Registrar and in terms of the National Road Traffic Act

“Minibus Taxi and/or Bus Rank”	is any place set aside by Council, marked by means of prescribed road markings and/or traffic signs and numbered, for the exclusive use of the minibus taxi or bus displaying the appropriate minibus taxi or bus rank permit disc
“Minibus Taxi or Bus Rank Permit”	is a written consent, issued by Council for a minibus taxi or bus operator to operate from a specific minibus taxi or bus rank
“Minibus taxi or bus rank permit disc”	is a disc, issued by Council indicating the rank number that can be used by the minibus taxi or bus displaying the said minibus taxi or bus rank permit disc
“Minibus Taxi or Bus Stop”	is an area indicated by prescribed road markings and/or traffic signs, designated by Council for the exclusive use of a minibus taxi or bus displaying the appropriate minibus taxi or bus rank permit disc, for loading and off-loading passengers only and it is not a parking or holding area
“Police Official”	means a member of the South African Police Services, or legal successor

“Public Bus or Bus”

means a public transport vehicle designed solely or principally for the conveyance of more than 15 passengers and used for hire and reward and operating or plying for the hire and reward in terms of a scheduled service and in respect of which a public road carrier permit has been issued by a Local Road Transportation Board over a route falling within or partially within the area of jurisdiction of the Council

**PART 2 ESTABLISHMENT AND CONTROL OF MINIBUS TAXI AND/OR PUBLIC BUS RANKS AND STOPS**

**Section 1: Establishment of Minibus Taxi and/or Bus Ranks and Stops**

- (1) These By-Laws shall apply to all minibus taxi and bus ranks and stops, which have been or may hereafter be set aside by the Council as minibus taxi and/or bus ranks or stops for minibus taxi and/or buses authorised to use them by a minibus taxi or bus rank permit issued in terms of these by-laws
- (2) Minibus taxi ranks and bus ranks or stops shall be those set out in the schedules prepared by the delegated officer of the Council as amended from time to time.

**Section 2: Designation of Minibus Taxi and/or Bus Ranks and Stops for Minibus Taxis or Buses**

The setting aside of minibus taxi or bus ranks and stops for use only by minibus taxis or buses shall be effected and defined by the erecting, marking or placing at such places (whether on a public road or not), as the Council may determine, of appropriate road traffic signs prescribed by the Regulations made in terms of the Act.

**Section 3: Demarcation within Minibus Taxi or Bus Ranks**

The Council may demarcate in each rank a specific area or areas for a specific purpose or purposes, such as the loading or off-loading of passengers, holding, informal traders.

**Section 4: Allocation of Minibus Taxi or Bus Ranks and Stops**

- (1) The ranks established in terms of Section 1 shall be for the exclusive use of minibus taxis or buses displaying valid minibus taxi or bus rank permit discs issued in respect of such minibus taxi or bus rank; (provided that this restriction shall not apply to a minibus taxi or bus, the substitution or interchange of which has been authorised in terms of Section 14).
- (2) The stops established in terms of Section 1 shall either be common to all minibus taxis or buses operating on that route or allocated to a specific operator, association, route or destination as indicated on the road traffic sign erected at such stops.

**Section 5: Holding and Stopping Time at Minibus Taxi or Bus Ranks and Stops**

- (1) The Council may, by a road traffic sign erected at or near the rank, stipulate the maximum continuous period during which minibus taxis or buses may hold within a rank.
- (2) No minibus taxi or bus shall be allowed to stop at a minibus taxi or bus stop for a longer period of time than is reasonably necessary for setting down or picking up passengers.
- (3) No minibus taxi or bus shall be allowed to stop while operating, except in a demarcated bay or stop.

**Section 6: Unauthorised Use of Minibus Taxi or Bus Ranks and Stops**

- (1) Only the driver of a minibus taxi or bus in respect of which a minibus taxi or bus permit to use a rank or stop has been issued under the By-Laws shall cause or allow the said vehicle to use the specified rank or stop at any time (provided that this prohibition shall not apply to a minibus taxi or bus the substitution or interchange of which has been authorized in terms of Section 14).
- (2) It shall be unlawful for any person to stop any minibus taxi or bus in respect of which a minibus taxi or bus rank permit disc has been issued in terms of these By-Laws, at any rank or stop or any other place other than the minibus taxi or bus rank and stops allocated to it and specified on such a minibus taxi or bus rank permit disc.
- (3) The driver of a minibus taxi or bus shall remain in attendance of such vehicle during the time it occupies such rank or stop.

**Section 7: Council's Liability**

The Council shall in no way be liable for:

- (1) The loss of or damage to any vehicle or any accessory or contents of such a vehicle which has been parked in any or stopped at any stop or driven in, through or out of any rank or stop;
- (2) Any death, injury, damage or loss (including consequential loss) to any person in any rank or stop.

**Section 8: Minibus Taxi or Bus Rank Closure**

- (1) The Council shall have the right to temporarily close any rank established under these By-Laws and, if necessary, to establish elsewhere another temporary rank in lieu thereof. Such temporary closure and establishment shall be deemed to have been effected by the display of notices thereof at or near to the rank concerned and during any such temporary closure any minibus taxi or bus rank permit disc issued in respect of the rank so closed shall be deemed to be valid for the rank established in lieu thereof.
- (2) No rights possessed by the holder of any minibus taxi or bus rank permit under these By-Laws shall debar the Council from permanently closing or removing any rank established hereunder or from amending these By-Laws. Provided, however, that no rank shall be permanently closed or removed until after the expiry of three months' written notice to the holders of any current discs issued in respect thereof in terms of these By-Laws, except in case of emergency, and any fees paid will be refunded pro-rata.

**PART 3: RANK PERMITS****Section 9: Application for Minibus Taxi or Bus Rank Permit**

- (1) The owner/operator shall apply to use any minibus taxi or bus rank in writing to the Municipal Manager. Such application shall be made in the form prescribed by the Council.
- (2) All minibus taxi or buses for which a minibus taxi or bus rank permit is applied, shall have:
  - (a) A valid COF (Certificate of Fitness);

- (b) An LRTB permit or permission to operate a service in terms of the Road Transportation Act or any legislation replacing it;
  - (c) The owner's name and address legibly, permanently and conspicuously affixed on the left side of the vehicle;
  - (d) The destination displayed in the front of the vehicle;
  - (e) Proof of being registered with the Provincial Registrar where applicable;
  - (f) The vehicle carrying capacity displayed.
- (3) A fee as specified and revised from time to time by Council shall be payable in respect of each minibus taxi or bus rank permit allocated, provided that when application for a new minibus taxi or bus rank permit is granted, the amount shall be based on the pro-rata time period left for the usage of the rank during the current year, calculated to the nearest month.

#### **Section 10: Issue of Minibus Taxi or Bus Rank Permits**

- (1) The granting of minibus taxi or bus rank permits is the responsibility of the Council which may include certain conditions pertaining to the vehicle as necessary, such as:
- (a) Restricting any vehicle to a particular loading bay or holding area;
  - (b) Limiting the hours during which any rank may be used;
  - (c) Specifying the number of vehicles which may use any portion of the rank;
  - (d) Specifying the route which the minibus taxi or bus must use;

- (e) Any other condition to ensure a fair allocation of the rank or to avoid obstruction and congestion of vehicles and passengers or to ensure the proper regulation of traffic.
- (2) Whenever an application to use a rank is granted, the applicant shall be issued with a minibus taxi or bus rank permit and numbered minibus taxi or bus rank permit disc of a design approved by the Council, displaying on the face thereof the registration number of the minibus taxi or bus and where applicable the rank number and description for which its use has been authorized;
  - (3) A minibus taxi or bus rank permit not allocated within 3 months shall lapse, unless an extension of time has been requested and approved by the Council. A minibus taxi or bus rank permit shall be valid only for the period stated thereon.
  - (4) A minibus taxi or bus rank permit issued in terms of these By-Laws shall not be transferred to any other person except by the written approval of the Council.
  - (5) The Council may, at its discretion, replace a minibus taxi or bus rank permit disc which has been lost or has become damaged on payment of a fee, as prescribed by Council resolution, and submission of an affidavit setting out the circumstances occasioning such loss or damage.

**Section 11: Minibus Taxi or Bus Rank Permit to be Carried and Minibus Taxi or Bus Rank Permit Disc to be Displayed**

- (1) The minibus taxi or bus rank permit shall be carried at all times in the minibus taxi or bus for which it was issued. The driver of the said vehicle shall produce on demand the said minibus taxi or bus rank permit to any Authorized Officer or Police Official. Failure to produce the said minibus taxi or bus rank permit on demand will deem the driver guilty of an offence.
- (2) A minibus taxi or bus rank permit disc issued in terms of Section 10 of these By-Laws shall at all times be displayed in a weather proof holder on the left-hand side of the front windscreen of the minibus taxi or bus to which it was issued, and it is to be clearly legible and visible from outside the said vehicle. Failure to display such a minibus taxi or bus rank permit disc, as required by this By-Law, shall deem the driver, operator and owner of such a vehicle to be guilty of an offence.

**Section 12: Expiry and Renewal of Minibus Taxi or Bus Rank Permit**

- (1) No minibus taxi or bus rank permit will be valid for longer than a year.  
  
A minibus taxi or bus rank permit issued in terms of these By-Laws shall expire on the last day of December in each year. Applications for the renewal of a minibus taxi or bus rank permit for the following year shall be made to the Council before the 1<sup>st</sup> day of December in each year in the same manner as provided in Section 9 of these By-Laws.
- (2) No application for renewal of a minibus taxi or bus rank permit will be accepted after 3 months from the expiry date unless an application in writing for an extension has been made to and accepted by the Council.

- (3) An application for the renewal of a minibus taxi or bus rank permit not renewed before the expiry date, may at the discretion of the Council, be treated as a new application.

**Section 13: Power to Refuse Application for or Cancel Minibus Taxi or Bus Rank Permit**

- (1) The Council shall be entitled to cancel or to refuse to renew or grant any minibus taxi or bus rank permit if:
  - (a) The motor carrier exemption certificates of the vehicle to which the minibus taxi or bus rank permit relates is cancelled or withdrawn or is not renewed;
  - (b) The minibus taxi or bus rank permit was granted on incorrect information furnished by the applicant;
  - (c) The minibus taxi or bus operator has been found guilty of offences relating to the Road Traffic Act or the By-Laws that deem him to be an unsuitable person to operate within the public transport sector;
  - (d) If the application for renewal of the minibus taxi or bus rank permit is not submitted before the expiry date thereof;
  - (e) There is no minibus taxi or bus rank space available;
  - (f) The driver of the vehicle to which the permit relates, is not the holder of a valid driver's license for the class of vehicle concerned or he is not in possession of a valid professional drivers permit as provided for in the National Road Traffic Act, 1996 (Act No. 93 of 1996);
  - (g) The vehicle is not insured as required in terms of Section 20.

- (2) The cancellation or suspension of a minibus taxi or bus rank permit in terms of this section shall not entitle the holder to any refund in respect of the fee paid.

**Section 14: Power to Authorise Substitution of Minibus Taxi or Bus**

- (1) If at any time the minibus taxi or bus to which a minibus taxi or bus rank permit was issued is under repair, or if for any reason the owner thereof so desires, the Council may authorise the substitution of another minibus taxi or bus, either temporarily or for the duration of the minibus taxi or bus rank permit, provided that the said minibus taxi or bus rank permit holder is also the owner of the minibus taxi or bus and has paid the prescribed administration fee as per Council resolution. The minibus taxi or bus rank permit holder must return his minibus taxi or bus rank permit so as to be issued with a new one, provided that in the case of a lost minibus taxi or bus rank permit an affidavit must be submitted.
- (2) Notwithstanding the provisions of these By-Laws the Council may authorise the holder of a minibus taxi or bus rank permit to interchange the minibus taxi or bus to which that minibus taxi or bus rank permit relates with any other minibus taxi or bus of the same type owned by him or belonging to the same association where the Public Road Carrier permits issued to him terms of the Road Transportation Act, 1977 allow such a minibus taxi or bus to be interchanged provided that the total number of minibus taxi or buses owned by the holder and using any minibus taxi or bus rank on any particular day shall not exceed the total number of minibus taxi or bus rank permits issued to such a holder in respect of that minibus taxi or bus rank.

**Section 15: Transferability of Minibus Taxi or Bus Rank Permit to another Minibus Taxi or Bus Rank**

Subject to the provisions, *mutatis mutandis*, of Section 9 and 10, a current minibus taxi or bus permit may, on application by the holder thereof to the Council and with its approval, be transferred without the payment of any additional fee to another minibus taxi or bus rank, and the fact of such transfer shall be endorsed on the minibus taxi or bus rank permit, whereupon the minibus taxi or bus rank permit shall be deemed for all purposes of these By-Laws to have been issued in respect of the minibus taxi or bus rank to which it has been transferred.

**PART 4: OPERATOR'S/DRIVERS' CODE OF CONDUCT****Section 16: Drivers to Observe By-Laws and Instructions of Authorised Officer or Police Officials**

- (1) The driver or other person in control of any minibus taxi or bus shall exercise the rights conferred by the minibus taxi or bus rank permit authorising such vehicle to use specific ranks and/or stops with due regard to the rights and convenience of passengers and other minibus taxis or busses authorised to use the rank; and shall; besides observing the requirements of these by-laws obey all lawful instructions or signals given by any Authorised Officer or Police Official;
- (2) For these By-Laws, Authorised Officers or Police Officials are hereby authorised to give such instructions or signals, which may be necessary to avoid obstruction and congestion of vehicle or passengers and for the proper regulation of traffic at or near the rank.

**Section 17: Unauthorised Behaviour on a Public Road or at a Rank**

- (1) No driver or person in charge of any minibus taxi or bus shall stop on a public road, where minibus taxi or bus stops or ranks exist, for the purpose of plying for hire, or pick up or off-loading passengers or allowing any passenger or intending passenger to board or leave such minibus taxi or bus except at a rank or stop established in terms of these By-Laws where such facilities exist along the road;
- (2) No person shall tout, importune or solicit for passengers for any minibus taxi or bus by loitering, calling out, hooting or in any other manner whatsoever;
- (3) No person shall operate a minibus taxi or bus upon a public road in any way that causes any excess noise which can be avoided by the exercise of reasonable care on his part;
- (4) No person shall wash any minibus taxi or bus on any public road or rank within the Council's area of jurisdiction except within a demarcated washing area which may be provided by the Council at its sole discretion;
- (5) No person shall repair any minibus taxi or bus on any public road, rank or place within the Council's area of jurisdiction provided that this By-Law shall not prohibit the carrying out of minor repairs necessitated by a temporary or sudden stoppage of such minibus taxi or bus for the purpose of setting such vehicle in motion.

**Section 18: Displaying of Destination**

When any bus is proceeding to its authorised minibus taxi or bus rank, the driver of such vehicle shall cause the destination to which it is proceeding to be displayed clearly on the front of the vehicle.

**Section 19: Cleanliness of Vehicle and Premises**

- (a) Every person operating any minibus taxi or bus within the Council's area of jurisdiction shall maintain the vehicle in a clean condition and in a proper state of appearance and repair.
- (b) Every association operating from a minibus taxi or bus rank shall be responsible for the cleanliness of that minibus taxi or bus rank.

**Section 20: Insurance**

The owner or operator of a minibus taxi or bus shall insure any such vehicle in terms of which a ranking permit is required on a comprehensive basis, and all passengers and their belongings in terms of public liability as required by law, prior to the granting and issuing of any ranking permit, and shall furnish such proof as may be required by the Council.

**PART 5: PASSENGERS CODE OF CONDUCT****Section 21: Entering and Leaving Minibus Taxi or Buses**

- (1) Every passenger shall enter or depart from a minibus taxi or bus by the entrance provided;
- (2) No person shall board a minibus taxi or bus until all persons desiring to alight from the minibus taxi or bus have done so;
- (3) It shall be an offence for any person to enter or attempt to enter any minibus taxi or bus which contains the total number of passengers which it is authorised to carry;
- (4) On routes where stops or ranks are provided, no person shall board or attempt to board, leave or attempt to leave any minibus taxi or bus at any point along the road other than at a designated minibus taxi or bus stop or rank, if minibus taxi or bus stops or tanks exist along the road;

- (5) No person shall board or attempt to board, leave or attempt to leave any minibus taxi or bus while such vehicle is in motion.

## **Section 22: Queues and Queue Marshals**

- (1) At any minibus taxi or bus rank established in terms of these By-Laws the Council may erect or cause to be erected queue signs consisting of a notice board indicating the position and manner in which persons waiting to board a minibus taxi or bus shall stop and form a queue which sign may or may not be supplemented by queuing barriers in the form of rails or lines marked on the surface of the area to be demarcated for the purpose of queuing.
- (2) Persons intending to board any vehicle at any terminus or other stopping place at which queuing barriers have been erected shall form a queue at and from the point from which it is indicated that such vehicle will leave;
- (3) Where no queue sign has been erected persons waiting at or near any minibus taxi or bus rank or stop for the purpose of boarding a minibus taxi or bus shall form themselves in a queue not exceeding two abreast, or in single file when required thereto by any Authorised Officer of Police Official;
- (4) Persons forming any such queue shall take an give precedence according to their arrival. No person shall take any place in a queue in front of any other person who has precedence over him;
- (5) No person shall board any vehicle at any minibus taxi or bus rank or stopping place except from a queue (unless there are no other persons waiting to board the vehicle), and no person shall take any place in a queue in front of any other person who has precedence over him;

- (6) Every person standing in any queue or boarding or attempting to board any minibus taxi or bus at any minibus taxi or bus rank where a queue has assembled shall comply with all instructions given by any Authorised Officer or Police Officials as may be for the control of the queue or for the prevention of obstruction to vehicular or pedestrian traffic;
- (7) A queue marshal engaged at any rank must be clearly identifiable and must display his or her name in a conspicuous manner on his or her clothing below the left shoulder;
- (8) A queue marshal must discharge his or her duties in a courteous and polite manner and show respect to every passenger;
- (9) Where a queue marshal is controlling entry onto a taxi or bus, he or she must not allow more than the number of passengers permitted by law, onto such vehicle.

**Section 23: Payment of Fares: Onus on Passenger to Effect Payment**

Every passenger shall pay the legal fare for the journey.

**PART 6: RANK MANAGER**

**Section 24: Need for Rank Manager**

- (1) The taxi/bus ranks within the municipality are under control of the Council and, where, in the opinion of one or more taxi associations, a taxi rank warrants the appointment of a rank manager, the Council may, following consultation with all associations and other role players using such rank, decide whether the appointment of a rank manager is necessary;

- (2) The Council requires the following data in respect to the appointment of a Rank Manager to be submitted by the Taxi Association/Bus Company in writing:
- (a) Name of the Taxi Association or Bus Company;
  - (b) Full names of the chairman or owner;
  - (c) Contact details: Telephone and Address;
  - (d) The name of the rank in respect of which the application is being made;
  - (e) Full names of the proposed Rank Manager;
  - (f) The identify number of the proposed Rank Manager;
  - (g) The number of authorised taxis or buses using the rank;
  - (h) The names of, and number of other associations/bus companies using the rank;
  - (i) The association's/owners reasons for wanting a rank manager appointed by it, in full;
  - (j) A signed undertaking by the association or owner that the association/owner and rank manager, if appointed, will abide by any conditions as may be prescribed by the Council in granting its approval and that such managers will not interfere with the activities, vehicles, drivers, passengers and office bearers of other associations/owners other than in the performance of his duties, nor will he create any tension between any of the aforementioned.

The Council's approval will not be unreasonable withheld.

**Section 25: The Role of Rank Managers**

Any Rank Manager appointed in terms of this section will:

- (a) Control the entry to and exit from the rank, of any taxi or bus using the rank to ensure that no congestion occurs at such entry or exit points, or elsewhere in the rank;
- (b) Control, within reason, the behaviour of people within the confines of the rank;
- (c) Give direction to any person wishing to make use of a taxi or bus as to the whereabouts of the taxi or bus required by that person;
- (d) Allocate the maximum legal number of passengers to any one taxi or bus and not permit any overloading to take place;
- (e) Attempt to mediate on any dispute or disagreement between traders, pedestrians, passengers or drivers with regard to the allocation or use of any space in the rank, and if not successful, to contact the Protection Services Officer to report the incident and to restore order;
- (f) Without endangering himself, attempt to discourage the carrying of any weapon by any driver, operator or passenger and to report any incidents relating to weapons to the SAPS or an Authorized Officer;
- (g) Ensure that queues formed by passengers waiting to board taxis or buses are so formed in accordance with any of the provisions of Section 22 of these By-Laws;
- (h) Ensure that any queues are formed in the manner directed by him and in the positions directed by him;
- (i) Ensure that any people in queues do not interfere with any other users of the rank and do not block any walkway, sidewalk or pavement so as to prevent other pedestrians or passengers from utilizing these;
- (j) Ensure that people in queues board their taxi or bus in an orderly manner on a first come, first to board basis;

- (k) Ensure that passengers formed in queues or waiting in any part of the rank do not deposit any litter anywhere except in litter bins provided for the purpose, and to arrange with the works foreman that such bins are emptied by the Council at regular intervals or when full;
- (l) Ensure that no taxi or bus is washed or cleaned, except in any area designated for this purpose, and that no servicing or repairs are carried out within the rank, other than urgent repairs required to allow the driver to move the taxi to a proper repair centre;
- (m) Report to the works foreman or his representative on the cleanliness of the facilities at the rank and to ensure through this official that these are cleaned on a regular basis or when in an unhygienic state, or that essential repairs are reported and followed up;
- (n) That the taxis or buses are parked within the bays or area allocated to them. Any ongoing, irregularities are to be drawn to the attention of any perpetrator in the case of a first infringement or to the Council's Protection Services or Traffic Department in the event of repeated incidents for resolution. At no stage is the Rank Manager or Controller to become embroiled in any argumentative or confrontational situations with any third party;
- (o) Ensure that no passenger is permitted to board a taxi or bus which appears to him to be in any state of disrepair so as to render it un-roadworthy, and to draw the drivers attention to any apparent fault(s) with a request that these are rectified;
- (p) Undertake to liaise with an Authorised Officer in respect of any other duty or duties which he believes he should be responsible for or on any of the above clauses which may cause him any undue hardship;
- (q) If any remuneration is to be paid, be so remunerated by the association which requested his or her appointment.

**Section 26: Removal of Rank Manager**

In the event of any continuous breach of any of the above conditions by any Rank Manager, the Council may, following consultation with the Taxi Association or bus company by whom he was appointed, have the appointment of the offending Rank Manager cancelled, in which case he shall quietly and without hindrance leave the rank in question.

**PART 7: GENERAL****Section 27: Rights and duties of Passengers when Minibus Taxi or Bus becomes Defective**

If at any time a minibus taxi or bus becomes defective or from any cause whatever is unable to proceed, the passengers shall on request of the driver, or conductor leave same, and if such passengers have paid their fares they shall be entitled to either demand back the amount of their fares so paid, or shall be allowed to travel by the next minibus taxi or bus available, at the cost of the defective minibus taxi's or bus driver or conductor, for the remainder of the distance in respect of which they have paid their fares.

**Section 28: Dangerous or Offensive Articles**

Persons travelling in or on any minibus taxi or bus with any article, instrument or implement which may be considered dangerous or offensive by the passengers, driver, conductor or Authorised Officer or Police Official, may be removed.

**Section 29: Animals**

The driver or conductor of any minibus taxi or bus or Authorised Officer or Police Official may refuse to admit upon such minibus taxi or may at any time require a passenger to remove therefrom any animal which, in his opinion, is likely to cause or which does cause annoyance to any passengers, provided that his fare is refunded.

**Section 30: Actions Prohibited on a Minibus Taxi or Bus**

The following actions are prohibited on a minibus taxi or bus:

- (a) Smoking, if prohibited by signage;
- (b) Playing offensive or excessively loud music
- (c) Using obscene or offensive language;
- (d) Interfering with the comfort of any passenger;
- (e) Damaging any minibus taxi or bus or the fittings thereof;
- (f) Interfering with the equipment of the minibus taxi or bus in any way;
- (g) Forcibly causing the driver to deviate from his route.

Any person committing any of the above actions shall, in addition to incurring the penalty hereinafter provided, forfeit his or her fare and be summarily removed from the minibus taxi or bus.

**Section 31: Riotous or Indecent Behaviour**

Any person who causes a disturbance or behaves in a riotous or indecent manner, shall be guilty of an offence and may be removed from a minibus taxi or bus, a queue or from the vicinity of a minibus taxi or bus rank by any Authorised Officer or Police Official.

**Section 32: Damage to Municipal Property Prohibited**

No person shall damage, disfigure, mutilate, obliterate, remove or in any other way interfere with any municipal property.

**Section 33: Offences and Penalties and Appeals**

- (1) Any vehicle parked or stopped:
  - (i) In contravention of any of the By-Laws; or
  - (ii) That has outstanding summons or warrants of arrest against the owner or driver; or
  - (iii) That is un-roadworthy.

- (2) Failure to comply with the terms of any condition or notice referred to in subsection (1) above shall constitute a continuing offence and a person failing to comply with the terms of such condition or notice shall be guilty of a separate offence for each day during which he fails to comply with such terms.
- (3) The Provisions of the Council's By-Laws relating to Offences and Penalties and Appeals shall *mutatis mutandis* apply to these By-Laws.

### **Section 34: Repeal of Previous By-Laws**

Previous By-Laws of the Council relating to the regulation of Minibus Taxis and buses together with any amendments thereto are hereby repealed.