

Statutory Instrument No. 8 of 1974

ROAD TRANSPORT (PERMITS) ACT, 1973
(40 of 1973)

ROAD TRANSPORT (PERMITS) REGULATIONS, 1974

(Published on the 30th January, 1974)

ARRANGEMENT OF REGULATIONS

REGULATION

PART I. *Preliminary*

1. Citation and commencement
2. Application
3. Interpretation

PART II. *Powers and Duties of the Secretary*

4. Notices of sittings to be published by Secretary
5. Secretary to consult road authority
6. Secretary to take into consideration objections
7. Discretion of Secretary in granting permit
8. Decision of the Secretary
9. Issue of permits

PART III. *Applications and Objections*

10. Form of application
11. Method of applying
12. Issue of permits
13. Notices of objections etc.

PART V. *Obligations and Rights of Permit Holders*

14. Obligations of permit holder
15. Issue of duplicate permits or tokens
16. Return of permit to Secretary
17. Death, bankruptcy, etc., of holder of permit
18. Tickets and fares
19. Luggage
20. Use of standby vehicles

PART V. *Appeals*

21. Memorandum of appeal and notice of appeal
22. Secretary to forward the appeal
23. Tribunal to fix day for hearing and give notice
24. Hearing of appeal

PART VI. *Miscellaneous*

25. Penalties

FIRST SCHEDULE

SECOND SCHEDULE

THIRD SCHEDULE

THIRD SCHEDULE

FOURTH SCHEDULE

FIFTH SCHEDULE

IN EXERCISE of the powers conferred by section 28 of the Road Transport (Permits) Act, 1973, the Minister of Works and Communications hereby makes the following Regulations —

PART I. Preliminary

Citation and commencement	1. These Regulations may be cited as the Road Transport (Permits) Regulations, 1974 and shall come into operation on the 1st February, 1974: Provided that transport operators operating before the commencement of these Regulations may continue to do so without a permit until the 30th April, 1974.
Application	2. These Regulations shall apply, — (a) in respect of goods transport services, throughout Botswana; (b) in respect of D permits, on the routes prescribed in the First Schedule.
Interpretation	3. In these Regulations, unless the context otherwise requires — “application” means an application for a permit, and includes an application for renewal or for the variation of the terms or conditions of the permit; “approved fares” means fares as approved on the relevant permit granted by the Secretary; “customs officer” means the Director of Customs and Excise and any other officer delegated by the Director in terms of section 3 of the Customs, Excise and Sales Duty Act, 1970;
22 of 1970	“luggage” in passenger service, means personal belongings or goods not exceeding 200 kilograms whether accompanied by a passenger or not; “standby vehicle” means a vehicle to which a permit does not relate but which may be used instead of an authorized vehicle in cases of emergency;
43 of 1972	“road authority” has the same meaning as in the Road Traffic Act, 1972; “token” means a certificate issued to a permit-holder by the Secretary in respect of any permit issued under section 6 of the Act.

PART II. Powers and Duties of the Secretary

Notices of sittings to be published by Secretary	4. The Secretary shall, not less than 21 days before holding a public sitting under section 3 (5) of the Act, cause to be published in the Gazette a notice stating the date, time and place of the sitting, and a list of all applications which will be considered at the sitting.
Secretary to consult road authority	5. (i) It shall be the duty of the Secretary before — (a) considering an application for a permit; or (b) publishing a notice under regulation 4, to call upon the appropriate road authority to report to him, after consultation where appropriate with the District Commissioner in whose district the transport operation falls, whether the routes of operation concerned are, in his opinion, suitable.

(2) If the report of the road authority indicates that the routes of operation are not suitable, the Secretary shall forthwith send a copy of such report to the applicant and call upon him to lodge in writing within a period of 21 days, any representations he wishes to make.

(3) Upon the expiration of the period referred to in paragraph (2) without hearing from the applicant or having received representations of the applicant in terms of that paragraph, the Secretary may refuse such application.

6. It shall be the duty of the Secretary, on an application for a permit, to take into consideration any representations or objections made under regulation 13 except —

Secretary to
take into
consideration
objections

(a) a representation or an objection to an application in respect of which the Secretary is of the opinion that, having regard to the trivial character of such representation or objection, it is not necessary that any opportunity should be given for representation or objection thereto; and

(b) a representation or an objection to an application under section 10 (3) of the Act, where, in the opinion of the Secretary, the application was made with reasonable expedition and the demand for the use of the vehicle to be authorized under the permit applied for is so urgent as to render compliance with the requirements of this regulation impracticable.

7. (1) The Secretary after consultation with an Advisory Board shall have full power, in his discretion, to grant or to refuse an application for a permit in full or in part.

Discretion of
Secretary in
granting
permit

(2) The Secretary in the exercise of his discretion shall, in particular, have regard —

(a) where the applicant is the holder of an existing permit of the same class, to the extent to which he is authorized to operate thereunder for the carriage of goods or passengers for hire or reward;

(b) to the previous conduct of the applicant in the capacity of a carrier of goods or passengers;

(c) to the number and type of vehicles proposed to be used under the permit and the suitability of the route proposed for such services;

(d) in determining the number of vehicles to be authorized, to the need for providing for occasions when such authorized vehicles are withdrawn from service for overhaul;

(e) to the extent to which existing rail or road transport might be adversely affected and any representations which may be made in that behalf;

(f) to the public interest including the interests of persons requiring transport, as well as those of persons providing facilities for transport;

(g) to the payment of reasonable wages and observance of proper conditions of service in respect of employees;

(h) when considering applications of foreign operators, to the extent to which reciprocal facilities are made available to Botswana operators; and

(i) in the case of an application for a B permit, the extent to which the applicant intends that the vehicles proposed to be used under the permit shall be also used for the carriage of goods for hire or reward.

8. The Secretary shall give his decision in writing to the applicant and, in the case of refusal, shall give reasons for such refusal.

Decision of the Secretary

Issue of permits

9. (1) The forms to be used for the issue of permits shall be those prescribed in the Second Schedule and the tokens issued in respect of each permit shall be in the form prescribed in the Third Schedule.

(2) Where the Secretary has delegated his authority under section 3 (2) of the Act to grant short-term permits in international traffic at border posts, such permits shall be issued by a customs officer and shall be valid for one journey only.

PART III. *Applications and Objections*

Form of application

10. (1) Every application for a permit shall be in Form TS.1 which may be obtained from the Secretary or any District Commissioner.

(2) The application shall be signed by the applicant, and if made by a body corporate or partnership or a firm, it shall be signed by a person duly authorized in that behalf by such body, or a partner or someone authorized by the firm, as the case may be.

Method of applying

11. An application for a permit shall be forwarded direct to the Secretary.

Issue of permits

12. Where a permit has been granted, the Secretary shall issue such permit only after payment of a fee in respect of that permit as prescribed in the Fourth Schedule.

Notice of objections etc.

13. (1) (a) Every representation or objection in respect of an application for a permit shall be made in writing, and signed by the person making it and shall state the grounds of such representation or objection.

(b) If the representation or objection is made by a body corporate or partnership firm it shall be signed by a person duly authorized in that behalf by such body, or by a partner of the partnership firm as the case may be.

(2) (a) Every representation or objection shall be sent to the Secretary by registered mail so as to reach him not later than 21 days after the notice of application required by regulation 4 has appeared in the Gazette.

(b) A copy of such written representations or objections shall be sent by person making them to the applicant by registered mail at the same time as it is sent to the Secretary.

(c) The Secretary may, in his discretion, consider written representations or objections, notwithstanding that the requirement of this regulation have not been complied with.

PART IV. Obligations and Rights of Permit Holders

14. (1) The owner of a vehicle authorized under Part III of the Act shall—

- (a) at all time display the token issued in respect of that vehicle conspicuously upon the nearside edge of the windscreen of the vehicle, so as to be visible from the front of such vehicle:

Provided that, in the case of a trailer the certificate may be carried on the trailer or in or on the vehicle drawing it at the time;

- (b) if during the validity of a permit he changes his mailing address, notify the Secretary of the new mailing address within 21 days after the date of such change;
- (c) notify the Secretary in writing if he ceases to provide any or all services specified in the permit, whether temporarily or permanently, giving his reasons, and shall send such permit to the Secretary for endorsement or cancellation as the case may be.

(2) Any person who contravenes the provisions of this regulation shall be guilty of an offence.

15. (1) If any permit or token has, during the validity thereof, been lost, destroyed or defaced, the holder thereof shall forthwith notify the Secretary, who shall, if satisfied that it has been so lost, destroyed or defaced, cause a duplicate (so marked) to be issued to such holder upon payment of the prescribed fee or fees, and such duplicate shall have the same force and effect as the original permit or token:

Issue of duplicate permits or tokens

Provided that, in the case of any permit or token which has been defaced, the Secretary may, before causing a duplicate to be issued, call for the return of the original permit or token.

(2) Where a permit or token which has been lost and replaced is recovered, the duplicate permit or token shall be returned to the Secretary forthwith for cancellation.

16. (1) If a permit is suspended or revoked or a direction has been given in terms of section 11 of the Act in respect of a permit, the holder thereof shall, within 21 days after a notice to that effect has been delivered to him personally or sent to him by registered mail at the address shown in his application or last notified in accordance with regulation 14 (b), send or deliver such permit, together with the token, to the Secretary for retention during the time of suspension or for cancellation or alteration, as the case may be, and the Secretary shall, on the removal of a suspension, or after alteration, return the permit and the token to the holder.

Return of permit to Secretary

(2) If during the currency of a permit the holder thereof disposes, either by sale or exchange, of any vehicle specified therein or otherwise ceases to be the owner of any such vehicle, he shall, within 7 days thereafter, notify the Secretary and return the permit to him for amendment or cancellation, as the case may be, together with the relevant token.

(3) Where the holder of a permit has been notified that a variation in the terms of the permit has been approved by the Secretary he shall remove from the authorized vehicle such permit and token and shall return them for such variation to the Secretary within 21 days of such notification.

(4) Any person who contravenes the provisions of this regulation shall be guilty of an offence.

Death,
Bankruptcy
etc., of holder
of permit

17. Where, owing to the death, incapacity, bankruptcy or liquidation of the holder of a permit or to the appointment of a liquidator or manager in relation to his business, such holder ceases to be the user of any authorized vehicle, the person carrying on the business of the holder shall be deemed to be the holder of the permit if —

- (a) within 21 days thereafter, he gives notice that the holder has ceased to be the user of such authorized vehicle, and the reason therefor, and the name of the person by whom the business is being carried on, is sent to the Secretary; and
- (b) within 30 days after the sending of such notice, an application for a new permit is duly made:

Provided that the period during which such person shall be deemed to be the holder of the permit shall in no case be beyond the date on which the permit would have expired but for the occurrence of the said event, and shall terminate immediately the application is disposed of.

Tickets and
fares

18. (1) (a) Any person authorized to receive fares from passengers or intending passengers shall forthwith issue to each passenger or intending passenger who has paid his fare a ticket showing the amount of such fare, the number of such ticket, the stage or place where the passenger boarded the omnibus or vehicle and where his journey ends.

(b) Any passenger who has paid his fare may, if the vehicle fails to start on its journey from its starting point within three hours of the time approved in its time-table, or if the operator fails to convey him to his destination within a reasonable time, recover the whole fare paid by him.

(c) Where a fare is recoverable under paragraph (2), it shall be the duty of the person who received the fare or the person on whose behalf the fare was received if it has been handed over to him to repay it to the passenger on demand.

(2) A time-table and list of approved fares in the forms prescribed in the Fifth Schedule shall be prominently exhibited in every authorized vehicle.

(3) A ticket or a copy thereof or any other document in connexion with the issuance of tickets shall be kept available for inspection by a police officer in uniform or by a person duly authorized by the Secretary.

(4) No person who intends to pay the fare shall be refused a ticket and a seat in the first available motor omnibus or vehicle in preference to a late comer except if there is reasonable belief that he may cause disorder during the journey, and no person who has started the journey may be excluded from the bus except for causing unlawful disorder during the journey.

(5) Any person who contravenes the provisions of this regulation shall be guilty of an offence.

19. (1) A motor omnibus or a vehicle authorized to carry passengers may also carry luggage belonging to such passengers: Luggage

Provided that only light hand luggage shall be carried inside the vehicle and that heavy or awkward luggage shall be carried in a separate luggage compartment or, if a guard rail is provided, on the roof of the vehicle.

(2) Only light hand luggage belonging to the passengers may be carried in the passenger compartment of a motor omnibus or a vehicle authorized to carry goods as well as passengers.

(3) The positioning and handling of luggage belonging to passengers in the luggage compartment or in the guard rail shall be the responsibility of the driver and the conductor who shall mark and position it so that the owner will identify it easily.

(4) Any person who contravenes the provisions of this regulation shall be guilty of any offence.

20. (1) A permit holder may use an authorized standby vehicle or vehicles to meet any additional demand during peak periods in which case, the vehicles using the same time-table under the same permit shall be operated so that the vehicles are within five minutes of each other. In such a case the standby vehicle shall display the same destination name as the vehicle operating the regular service and the words "STANDBY" shall be displayed conspicuously above the windscreen: Use of
standby
vehicles

Provided that no passenger who has already started the journey shall be disembarked until he reaches his ultimate destination.

(2) Any person who contravenes the provisions of this regulation shall be guilty of an offence.

PART V. *Appeals*

21. (1) Every appeal under section 21 of the Act shall be in the form of a memorandum setting out the grounds of appeal, be signed by the appellant or by his duly authorized representative, if any, and shall be sent to the Secretary by registered mail within 21 days from the date of notification of the decision of the Secretary. Memo-
randum of
appeal and
notice of
appeal

(2) The appellant shall, at the time of presenting his memorandum of appeal, or as soon thereafter as possible, serve upon every other person who was a party to the proceedings before the Secretary in respect of which the appeal is lodged, a copy of the memorandum of appeal by registered mail.

Secretary to forward appeal

22. The Secretary shall, within 7 days of receipt of such appeal, forward sufficient copies of the memorandum of appeal to the members of the Appeal Tribunal, together with his own comments and any relevant documents. He shall also inform the appellant that his appeal has been forwarded to the Appeal Tribunal.

Tribunal to fix day for hearing and give notice

23. Where a memorandum or appeal is received by the Tribunal, the Tribunal shall, if it does not summarily reject the appeal under section 21 (6) of the Act, fix a date for the hearing of the appeal and shall cause notice thereof to be served upon every other person who has under regulation 23 (2) been served with a copy of the memorandum of appeal, or upon the appellant's duly authorized representative by registered mail.

Hearing of appeal

24. (1) On the day fixed or on any other day to which the Tribunal may adjourn the hearing, the appellant shall be heard in support of his appeal:

Provided that the appellant shall not, except with the leave of the Tribunal, urge or be heard in support of any ground of appeal not set forth in the memorandum of appeal.

(2) The Tribunal shall, if it does not dismiss the appeal at once, hear any other person who has been served with a copy of the memorandum of appeal under regulation 23 (2) and the appellant shall be entitled to reply.

(3) Where on the day fixed or on any other day to which the Tribunal may adjourn, the appellant does not appear when the appeal is called for hearing, the Tribunal may make an order that the appeal be dismissed, and if the appellant appears, but any person served with a copy of the memorandum of appeal under regulation 24 does not appear, the appeal may be heard in the absence of such person.

(4) The parties to any appeal may be heard either in person or by their duly authorized representatives;

PART VI. *Miscellaneous*

Penalties

25. Any person guilty of an offence under these Regulations shall be liable in the case of a first offence to a fine of R20, and in the case of a second or subsequent offence, to a fine of R100 and to imprisonment for three months.

FIRST SCHEDULE

(regulation 2)

ROUTES

(1) Ramatlabama - Lobatse - Gaborone - Mahalapye - Palapye - Francistown - Ramakgwebana and Maun.

(2) Lobatse - Kanye - Thamaga - Manyana - Ramotswa - Gaborone - Molepolole

(3) Pilane - Sikwane - Olifantsdrift

(4) Mahalapye - Makwate - Shoshong - Kalamare - Machaneng

- (5) Serowe – Palapye – Bobonong– Sherwood Ranch – Machaneng
- (6) Francistown – Orapa – Letlhakaneng
- (7) Francistown – Sebina – Totome – Maitengwe – Matsiloje
- (8) Lobatse – Pitsane – Good-hope
- (9) Lobatse – Mathethe – Mokgomane – Phitshane – Kanye – Ranaka
- (10) Tshabong – Bokspits

SECOND SCHEDULE

INDEX OF FORMS

(regulation 9)

TS.2	A	PERMIT
TS.3	B	PERMIT
TS.4	C	PERMIT
TS.5	D	PERMIT
TS.6	E	PERMIT
TS.7	F	PERMIT
TS.8	SHORT TERM PERMIT	

THIRD SCHEDULE

(regulation 9)

TOKENS FOR PERMITS

issued under the Road Transport (Permits) Act of 1973.

1. In connexion with the issue of A,B,C,E, and F permits under the Road Transport (Permits) Act, 1973, tokens as prescribed in paragraphs 4 and 5 shall be issued to the permit holders, one for every vehicle operated under the permit.
2. A token for a vehicle operated under a D permit shall be issued to the permit holder in connexion with the licensing of the vehicle by the Licensing Officer under the Road Traffic Act of 1972.
3. The token shall be attached to the vehicle so that the inscription is clearly legible to a person standing in front and to the left of the vehicle, if the vehicle is fitted with a transparent windscreen, the token shall be affixed in an upright position on the inside of the windscreen.
4. The token shall be printed according to the following specifications:—
 - (a) the material shall be made of card.
 - (b) the diameter of the card shall be 8 cm and the diameter of the inner ring 7 cm.
 - (c) the token shall have overprinting thereon in a contrasting colour indicating the class of the permit by one letter, A,B,C,E, or F according to the permit and the last digits of the last year of validity of the permit; or a rubber stamp may be used in connexion with the issue of tokens for overprinting.
5. The token shall include the following information:

TS.9
Botswana

Permit No.

Valid until **A**

Registration No.

Engine No. **75**

Chassis No.

Date

.....
Signature

FOURTH SCHEDULE
(regulation 12)
PERMIT FEES

Issue of —

(1) A.D or E permit per annum and per vehicle —	
(a) a trailer or semitrailer	R3,00
(b) a drawing vehicle in a vehicle combination	R3,00
(c) a motor omnibus	R8,00
(d) a passenger and goods vehicle	R6,00
(e) a goods vehicle	R6,00
(f) a passenger vehicle, other than a motor omnibus	R3,00
(2) B permit per annum and per vehicle —	
(a) a trailer or a semitrailer	R2,00
(b) a drawing vehicle in a vehicle combination	R2,00
(c) other goods vehicles	R4,00
(3) C permit per annum and per vehicle —	
(a) a trailer or a semitrailer	R1,00
(b) a drawing vehicle in a vehicle combination	R1,00
(c) other goods vehicles	R2,00
(4) F permit per annum and per vehicle —	
(a) for every 5 tonnes or a part thereof of the permissible maximum weight of a goods vehicle or a goods and passenger vehicle	R50,00
(b) for every 10 seats of the seating capacity or a part thereof of a passenger carrying vehicle	R50,00

- (5) short term permit —
per 30 days or a part thereof: 25 per centum of each of
the amounts prescribed in items (1) and (2) above.
- (6) a short term permit issued at a border post in international traffic —
- (a) for every 5 tonnes or a part thereof of the permissible
maximum weight of a goods vehicle or a goods and
passenger vehicle R5,00
- (b) for every 10 seats or a part thereof the seating
capacity of a passenger carrying vehicle R5,00
- (7) a duplicate —
- (a) permit R1,00
- (b) token R0,50
- (8) Variation of a permit —
- (a) removal of a vehicle from the permit R0,50
- (b) additional vehicles, as prescribed in items (1) – (7) above.
- (9) In the case of the initial issue of a permit taking place in the second
half of a calendar year, the fee payable shall be half of the relative fee
prescribed in items (1) – (7) above:
- Provided that the Transport Secretary may require the applicant to
pay the full fee prescribed if he is satisfied that the applicant in the first
half of the year carried on transport business by means of the same vehicle
or by means of any other vehicle without a permit.
- (10) If the fees as defined in items (1) – (7) above are paid and the holder
applies for discontinuation of such transport before the expiry of the
permit or the Transport Secretary should refuse continuation of such trans-
port before the expiry of the permit, the sum remitted for whole year or
years regarding which the permit will not be used, shall be refunded. No
refund shall be made for a part of year.

FIFTH SCHEDULE

Form TS.10
colour: white

ROAD TRANSPORT (PERMITS) ACT, 1973
ROAD TRANSPORT (PERMITS) REGULATIONS, 1974
Regulation 19 (2)

Time Table

Permit holder Permit No.

Date of issue Expiry date

Route

(iii)	(ii)	(i)	II	I	(iv)	(v)	(vi)
*	*	*	Distance km	Name of the Bus Stop	*	*	*

Instructions :

I. All major crossroads shall be mentioned besides regular stops.
The name of the stop or junction shall be given in column I

II. The distance between the bus stops or junctions in kilometres shall be given in column II

(i-vi) Columns (i-vi) are used for departure and arrival times. If both times are given, the name of the bus stop or junction shall be repeated and the direction of the arrow followed. If only one time is given it means departure time. The time shall be given following 24 hour system, for ex. 4, p.m. shall be marked 16.00.

The following markings in the columns headed (*) shall be used to indicate the days on which the service is operated: ---

- No marking – every day
- X – Monday through Saturday
- Y – Monday through Friday
- 1 – Monday
- 2 – Tuesday
- 3 – Wednesday
- 4 – Thursday
- 5 – Friday
- 6 – Saturday
- 7 – Sunday

TS.11

ROAD TRANSPORT (PERMITS) ACT, 1973
ROAD TRANSPORT (PERMITS) REGULATIONS, 1974
(Regulation 19 (2))

LIST OF FARES

Permit Holder Permit No.

Date of Issue Expiry date.....

Route

(1)	(1)				
	(2)				

Luggage: up to..... free of charge (if accompanied by passenger),
exceeding..... or any unaccompanied luggage.....
cents per.....kg/km.

Approved
Date Stamp
TRANSPORT SECRETARY

Instructions
The bus stops included in the time table shall be listed along the horizontal and vertical lines marked by (1) beginning from the top in the same order. Intersection of the horizontal and vertical lines makes a square (2) where the fare in cents between the places indicated by these lines shall be given.

MADE this 22nd day of January, 1974.
L.D. LEKALAKE,
Permanent Secretary,
Ministry of Works and Communications.