

**COMESA-EAC- SADC TRIPARTITE
CROSS-BORDER ROAD TRANSPORT
MODEL REGULATIONS**

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REGULATIONS IN TERMS OF THE CROSS-BORDER ROAD TRANSPORT MODEL LAW

The Minister of [Enter country-specific title] has made the regulations set out in the Schedule in terms of the Cross-Border Road Transport Model Law

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CHAPTER I: DEFINITIONS

1 Definitions

In this Act, unless the context otherwise indicates otherwise, any word or expression that is defined in the Act has the same meaning, and-

“**Act**” or “**the Act**” means the Cross-Border Road Transport Model Law;

“**Administrative Appeals Committee**” or “**Committee**” means the Administrative Appeals Committee established in terms of section 17 of the Act; *[To be changed to be country specific: Alternatively refer to the Act of the Member State establishing such a Tribunal];*

“**Gazette**” means the national *Government Gazette*; *[adapt to be country specific];*

“**registered operator**” means an operator registered with the Competent Authority under regulation 3; and

“**Transgression System**” means the electronic system to record details of the transgression records and demerit points relating to operators, responsible competent persons and drivers, together with details of the vehicles involved and which forms part of the National Transport Information System

[Note: Other relevant definitions are in the Act]

CHAPTER II: REGISTRATION OF OPERATORS AND RESPONSIBLE COMPETENT PERSONS

PART I: REGISTRATION OF OPERATORS

2 Application for registration as operator

(1) A person wishing to apply for registration as an operator in terms of section 3 of the Act must complete the application form approved by the Minister and submit it to the Competent Authority with the application fee specified in Schedule 1.

(2) The application form must be completed properly and must be accompanied by the information and documents required by the form and required to accompany the form including—

- (a) the identity document or registration certificate or similar proof of registration in the case of a juristic person of or relating to the applicant [*adapt to be country specific*]
- (b) a list of the depots or operating centres operated by the applicant with the details thereof specified in the form;
- (c) a list of the vehicles operated by the applicant on the date of the application with a description of the type of vehicle and the vehicle registration or identification number;
- (d) If required by the Member State in terms of an exemption granted under Article 16 of the Agreement, a list of permits or operating licences for the specified vehicles or operations held by the applicant on date of application; [*Adapt to be country specific.*]
- (e) the name, identity registration number and contact details of the applicant's responsible competent person or persons;
- (f) in the case of cross-border road passenger transport, the ranks, stands and terminals used by the operator, and
- (g) any additional information or documents requested by the Competent Authority.

3 Registration of operators

(1) On receiving an application under regulation 2, the Competent Authority must consider the following.

- (a) the requirements mentioned in section 4(5) of the Act, being—
 - i) evaluation of the operator as a fit and proper person to undertake cross-border road transport, by virtue of the operator's record of transgressions and demerit points and other factors considered relevant by the Competent Authority;
 - ii) in the case of transporters of dangerous goods, that the operator and his, her or its vehicles, facilities and operations have been audited for compliance in the prescribed manner with the Tripartite Standard titled STANS: The Transportation of Dangerous Goods by Road;
 - iii) that the operator meets the other technical requirements contemplated in these regulations, and
 - iv) that the operator has access to acceptable vehicles, maintenance facilities and drivers.
- (b) whether the applicant complies with the Act and these regulations, based on the applicant's past record as an *operator inter alia* as regards safety and compliance with road traffic, road transport and other applicable legislation, but without discriminating against emerging operators who are new to the industry;
- (c) whether the vehicles operated by the operator are after inspection by suitably qualified officials or agents of the Competent Authority found to be roadworthy and suitable and acceptable for the type of transport operations carried on or to be carried on by the applicant;
- (d) after a date to be determined by the Minister and made known by notice in the *Gazette*, that the applicant or one or more of the applicant's employees have attended and passed training courses specified by the Commission and designed to ensure that the attendees understand the relevant branch of the transport industry as well as applicable legislation, standards and requirements;

- (e) that the applicant has a programme for the maintenance of vehicles operated or to be operated by the applicant that is acceptable to the Competent Authority either—
 - i) by regular servicing and where applicable, repairing, of those vehicles by an acceptable service centre in accordance with the specifications of the vehicle manufacturer, or
 - ii) in appropriate cases by suitably qualified staff of the operator in workshops or other facilities that have been inspected and approved by or on behalf of the Competent Authority;
- (f) that the operator keeps maintenance records to the satisfaction of the Competent Authority, which must be made available to authorised officers or inspectors or agents of the Competent Authority on request;
- (g) that the operator has suitably qualified back-up staff and appropriate administrative facilities that are sufficient to run the operator's transport business efficiently;
- (h) that the operator has an acceptable record of compliance with road traffic and road transport legislation, as well as labour legislation and other applicable legislation;
- (i) proof of compliance with the applicable Tripartite Standard STANS No....."Transport of Dangerous Goods by Road" in the case of and operator transporting dangerous goods;
- (j) that the operator's tax affairs are in order as shown by submission of a valid tax clearance certificate or similar proof issued by the Receiver of Revenue/Revenue Service; and [*change to be country specific*]
- (k) any other matter required or considered relevant by the Competent Authority.

(2) Where applicable the Competent Authority must inform the applicant of the requirements for registration and the steps that must be taken to qualify therefor, and that registration will be refused if the steps as specified are not taken within the time stipulated by the Competent Authority.

(3) The Competent Authority must then take a decision as to whether or not the operator qualifies for registration and if so, register the operator and issue a registration certificate to the operator in the form shown as Form 2 in Schedule 1 and record such registration on the National Transport Information System and issue an operator disc for each vehicle recorded by the operator under regulation 12(1) valid for one year, or if the operator does not so qualify, refuse the application for registration, and in either case inform the operator of its decision.

(4) Where the Competent Authority has taken a final decision to refuse registration, the applicant may re-apply after a period of at least 180 days has lapsed from the date of such refusal.

4 Renewal of operator registration

(1) Every registered operator must apply annually for new operator discs for the vehicles operated by that operator by properly completing the form approved by the Minister and submit it to the Competent Authority with the application fee specified in Schedule 1.

(2) An application under sub-regulation (1) must be accompanied by details of any changes to the information contemplated in regulation 2(2).

(3) On receipt of an application under sub-regulation (1) with complete information the Competent Authority must note any change of information on the National Transport Information System and issue an operator disc for each vehicle recorded by the operator valid for one year, or where applicable inform the operator of further information that it may require.

(4) An operator must apply every five years for renewal of his, her or its registration in terms of the Act.

(5) The application referred to in subregulation (4), must be made with the Competent Authority at least six months before the expiry of the period of validity of the registration of the operator concerned.

(6) On receipt of the application referred to the subregulation (4), the Competent Authority must undertake a full re-evaluation of the factors contemplated in regulation 3(1).

(7) On renewal of an operator's registration, the Competent Authority must record such registration on the National Transport Information System and issue an operator disc for each vehicle recorded by the operator under regulation 10(1) or if the operator does not so qualify, refuse the application for renewal of registration, and in either case inform the

operator of its decision.

(8) If the application for the renewal of operator registration has been received at least six months before the expiry of the validity of the registration of the operator concerned, the registration of that operator remains valid until the Competent Authority has informed the operator of its decision in terms of subregulation (7).

5 Monitoring of registered operators

(1) The Competent Authority must carry out technical and operational monitoring of registered operators on a regular basis to ensure compliance with the Act and other applicable legislation, as well as the Agreement, and in particular with the matters listed in regulation 3(1).

(2) The Competent Authority must be satisfied on an ongoing basis that the vehicles of registered operators are maintained at the required intervals by checking vehicle service and repair records by authorised officers or by inspectors or agents appointed by that Authority.

(3) Registered operators must supply the Competent Authority on request with vehicle maintenance records or other proof of vehicle servicing or repair.

(4) Where a registered operator has maintenance facilities at one or more of his, her or its registered depots or operating facilities these must be satisfactory to the Competent Authority and staffed by suitably qualified mechanics and support staff.

(5) The Minister may, by notice in the *Gazette*, impose standards, requirements or codes of conduct for registered operators, and may specify penalties for non-compliance therewith, in addition to or instead of the criminal sanctions contemplated in sub-regulation (7).

(6) Registered operators must comply with this Act and all applicable traffic and transport laws, as well as other applicable laws and any standards, requirements or codes of conduct imposed under sub-regulation (5).

(7) The Competent Authority must take into account the transgressions record of the operator as recorded in the Road Traffic and Transport Transgressions Act when the operator applies to renew his, her or its registration and refuse to renew such registration if such record is unacceptable.

PART II: RESPONSIBLE COMPETENT PERSONS

6 Registration of responsible competent persons

(1) A person wishing to act as the responsible competent person for a registered operator as contemplated in section 4 of the Act must register with the Competent Authority by completing the registration form shown as Form 3 in Schedule 1 and submitting it to the Competent Authority with the application fee specified in Schedule 2.

(2) The application form must be completed properly and must be accompanied by—

- (a) the information and documents required by the form and required to accompany the form including—
 - i) identity document, company registration certificate, trust deed and trust registration certificate of the applicant *[adapt to be country specific]*
 - ii) a detailed specification of the school leaving certificate and academic and technical qualifications of the applicant, with copies of such certificate and qualifications (for example degrees or diplomas);
 - iii) experience or expertise of the applicant in the fields of transportation, business, accounting, law and related matters;
 - iv) where relevant, proof of experience or qualifications in relation to the transporting of dangerous goods; proof of attendance or passing of courses for responsible competent persons required and accredited by the Commission, and
 - v) any other information or documents required by the Competent Authority.

(3) After evaluating the application, the Competent Authority must register the applicant as a responsible competent person if satisfied that he, she or it is sufficiently qualified to act as such within the meaning of the Act and Agreement and record such registration on the National Transport Information System..

(4) Regulations 3(2)3(3)and 3(4)apply, with the necessary changes, to an application for registration as a responsible competent person.

7 Transitional provisions for responsible competent persons

(1) The Minister may, by notice in the *Gazette*, determine dates by which responsible competent persons must have met specified qualifications or have passed specified examinations or attended specified courses, in order for them to qualify for registration.

(2) Where an applicant lacks one or more of the qualifications to be registered as a responsible competent person the Competent Authority may register that person provisionally subject to condition that the outstanding qualification must be obtained within a specified time, failing which the applicant will be deregistered.

(3) Provisional registration under sub-regulation (2) is deemed to be registration for the purposes of section 4 of the Act.

8 Provision of information on responsible competent persons by operators

(1) Every registered operator must notify the Competent Authority of the identity of the responsible competent person or persons identified by the operator in terms of section 4(1) of the Act.

(2) Such a responsible competent person must be registered with the Competent Authority under regulation 6 either finally or provisionally or must have provided proof that he, she or it has applied for such registration.

(3) Should a registered operator no longer employ a responsible competent person, or appoint a new responsible competent person, that operator must notify the Competent Authority thereof in writing within 14 days of the change and such Authority must record the change on the National Transport Information System.

9 Renewal of registration of responsible competent persons

(1) Registered responsible competent persons must apply for renewal of their registration every five years after the original certificate of registration was issued.

(2) An application for such renewal must be made by completing Form 3 in Schedule 1 and submitting it to the competent authority with the fee specified in Schedule 2.

(3) The provisions of regulation 6(1) to 6(4) apply with the necessary changes to such applications for renewal.

(4) To qualify for renewal the applicant must comply with the requirements specified in regulation 6 and the applicant must not have accrued an unacceptable number of

penalty points against his, her or its name in terms of the Road Traffic and Transport Transgressions Act and the drivers and vehicles under the control of the applicant have not accrued penalty points up to the saturation level in terms of that Act.

CHAPTER III: OPERATOR DISCS AND VEHICLE MONITORING

PART I: OPERATOR DISCS

10 Operator discs

(1) Operator discs issued for vehicles operated by registered operators in terms of these regulations must be in the format approved by the Minister and the issuing of the disc must be recorded on the National Transport Information System..

(2) An operator disc must be affixed to the lower, inside, left-hand corner of the windscreen of the vehicle to which it relates so that the print on its face is clearly legible from the outside by a person standing in front of and to the left of the vehicle.

(3) Where an operator disc has been lost or has become obscured or illegible the registered operator must apply to the Competent Authority for a duplicate within four working days of becoming aware that it has been lost or become obscured or illegible by completing Form 5 in Schedule 1, and must submit the form with the obscured or illegible disc to the Competent Authority for destruction, or a written declaration explaining why it cannot be so submitted, together with the application fee specified in Schedule 2.

11 Validity of operator disc

(1) An operator disc issued in relation to a vehicle is valid for one year.

(2) A registered operator must apply annually for new operator discs for the vehicles operated by that operator by properly completing the form approved by the Minister and submit it to the Competent Authority with the application fee specified in Schedule 1.

(3) An application under sub-regulation (2) must be accompanied by details of any changes to the information contemplated in regulation 2(2).

(4) On receipt of an application under sub-regulation (2) with complete information the Competent Authority must record any change of information on the National Transport Information System and issue an operator disc for each vehicle recorded by the operator valid for one year, or where applicable inform the operator of further information that it may require.

PART II: VEHICLE MONITORING

12 Monitoring of vehicles

(1) The Minister may determine a date by notice in the *Gazette* by which a vehicle used for inter-regional road transport t be fitted with a radio frequency identification device or another electronic device that is capable of determining the position or route of that vehicle at any time while it is so used and recording other information prescribed in such notice.

(2) The notice referred to in sub-regulation (1) may determine the format in which the information recoded by the device referred to must be made available to the *[insert relevant authority]*.

(3) Such a notice may specify that only certain types or classes of vehicles must be so fitted with such devices and may determine different dates in that regard in respect of different types or classes of vehicles.

(4) A notice contemplated in sub-regulation (1) may specify -

- (a) the nature of such a device,
- (b) the standards to which it must conform and the method of installation of the device; and
- (c) the manner in which and period for which that device or devices must be verified in accordance with the standard to which it must comply.

(5) A notice contemplated in sub-regulation (1) may provide that—

- (a) registered operators must apply to the Competent Authority for such a device, or may apply to suppliers for issuing thereof, in the manner and on payment of the fees specified in the notice;
- (b) the information that the device must be capable of collecting or recording and the duties of the operator to supply such information to the Competent Authority or to any other government institution or authority, and
- (c) the duties of the Competent Authority or other government institutions to monitor routes and other information from the device for purposes including, but not limited to, transport planning,

determining routes for dangerous goods transport, traffic control or regulation and protection of road surfaces and the collection of travelling distance charges.

CHAPTER IV: RECORDING OF VEHICLES AND DRIVERS

PART I: RECORDING OF VEHICLES

13 Recording of vehicles

(1) When applying for registration as an operator, the applicant must include with the application to the Competent Authority a list of all vehicles operated by him, her or it that are contemplated in section 6(1) of the Act and supply the information on such vehicles as specified in Form 1 of Schedule 1 as well as any other information required by the Competent Authority.

(2) When a registered operator acquires a new vehicle, that operator must notify the Competent Authority by completing Form 6 in Schedule 1 and submitting it to the Competent Authority with the application fee specified in Schedule 2 within seven days of acquiring the vehicle.

(3) Where a registered operator ceases operating a recorded vehicle, or such a vehicle is, deregistered he, she or it must notify the Competent Authority thereof in writing within seven days of such ceasing, or deregistration. [adapt to be country specific]

(4) The vehicles contemplated in sub-regulation (1) and the changes contemplated in sub-regulations (2) and (3) must be recorded against the name of the operator in the National Transport Information System.

(5) An operator who fails to comply with sub-regulations (1), (2) or (3) commits an offence.

PART II: RECORDING OF DRIVERS

14 Recording of drivers

(1) When applying for registration as an operator, the applicant must include with the application to the Competent Authority a list of all drivers employed or used by him, her or it for cross-border transport, and supply the information on such drivers as specified in Form 1 of Schedule 1 with certified copies of the professional driving permits of such drivers and any other information required by the Competent Authority.

(2) When a registered operator employs or uses a new driver, that operator must

notify the Competent Authority by completing the form approved by the Minister and submitting it to the Competent Authority with the application fee specified in Schedule 1 within seven days of employing or using the driver.

(3) Where a registered operator ceases employing or using a driver, he, she or it must notify the Competent Authority thereof in writing within seven days of ceasing to employ or use the driver.

(4) The drivers contemplated in sub-regulation (1) and the changes contemplated in sub-regulations (2) and (3) must be recorded against the name of the operator in the National Transport Information System.

(5) An operator who fails to comply with sub-regulations (1)(2) or (3) commits a violation in terms of the Road Traffic and Transport Transgressions Act [*Insert reference to the model law as adopted in-country*].

CHAPTER V: GRADING OF OPERATORS

PART I: GRADING SYSTEM FOR OPERATORS

15 Establishment of grading system

(1) The *[Insert relevant authority]* may establish a system for grading registered operators into categories *[to be discussed]* that may be based on:

- (a) the level of sophistication of the operator's operations in relation to technical or operational standards or both;
- (b) the transgressions record of the operator;
- (c) the transgressions record of the drivers employed or used by the operator;
- (d) the transgressions record of the responsible competent person or persons employed by the operator;
- (e) the accreditation of the operator to a performance-based scheme accredited by the *[insert relevant authority]* in terms of the Vehicle Load Management Act, 20..;
- (f) the performance of the operator in relation to an accredited performance-based scheme; or
- (g) any other relevant and reasonable consideration;

(2) The grading system contemplated in sub-regulation (1), may provide for gradual progress in grading and the concomitant enjoyment of incentives determined by the *[insert relevant authority]*.

(3) The grading system contemplated in sub-regulation (1) may be linked to any similar system established in terms of (customs legislation) *[insert correct country reference]*; the Transport of Dangerous Goods Act, 20.. or any other law applicable to an operator.

(4) The grading system contemplated in sub-regulation (1) will commence as from a date to be determined by the Minister and published in the *Gazette*.

16 Application for grading

(1) An operator may when applying for registration in terms of regulation 2 at the same time apply for grading by completing the form approved by the Minister and submitting it

to the Competent Authority with the application for registration as well as the fee specified in Schedule 1.

(2) A registered operator may at any time apply for grading or for regrading into a different category by completing the Form approved by the Minister and submitting it to the Competent Authority with the application fee specified in Schedule 1.

17 Grading of registered operators

(1) On receipt of an application for grading or re-grading the Competent Authority must consider the following:

- (a) the record of offences of the applicant as shown in the Transgression System;
- (b) the operational and technical record of the operator in terms of reports or complaints received about the applicant or any other information available to the Competent Authority;
- (c) the condition of the vehicle or vehicles operated by the applicant over the previous three years and the vehicle maintenance programmes applied by the applicant;
- (d) the vehicle servicing and repair facilities available to the applicant;;
- (e) the administrative staff and facilities employed by or available to the applicant;
- (f) the record of the applicant as a cross-border road transport operator based on any information or records available to the competent authority;
- (g) where applicable, the applicant's record as a carrier of dangerous goods;
- (h) training courses attended by the applicant's management and staff and general qualifications, expertise and experience of such management and staff;
- (i) standards and criteria, if any, prescribed or established by the Commission for grading operators, and
- (j) any other information or matter that the Competent Authority considers relevant.

(2) Where appropriate the Competent Authority must inform the applicant of the requirements for grading into the applicable category and the steps that must be taken to qualify therefor, and that grading into that category will be refused if the steps as specified are not taken within the time stipulated by the Competent Authority.

(3) The Competent Authority must then take a decision to grade or re-grade, as the case may be, the operator into one of the categories specified in regulation 11(1) and issue a grading certificate to the operator in the form shown as Form 10 in Schedule 1, or to refuse the application for grading, and inform the operator of its decision.

(4) Where the Competent Authority has taken a final decision to refuse the grading for which application was made, the applicant may re-apply after a period of at least 180 days has elapsed from the date of such refusal.

18 Cancellation or alteration of grading

(1) The Competent Authority may cancel or alter the grading status of an operator where it comes to the knowledge of such Authority that the circumstances contemplated in regulation 13(1) in relation to the operator have changed.

(2) Before taking a decision under sub-regulation (1) the Competent Authority must—

- (a) notify the operator of its intention to do so in writing specifying the reasons for such intention and allow the operator not less than 21 days to comment or to provide reasons why the action should not be taken;
- (b) give the operator the opportunity to appear before it either personally or through a representative to provide evidence or submit representations in regard to the proposed action, and
- (c) where appropriate give other interested persons or authorities the opportunity to comment on the proposed action.

(3) If the Competent Authority cancels the operator's grading, the operator must submit his, her or its grading certificate to such Authority for cancellation and the Competent Authority must record the cancellation on the National Transport Information System.

(4) If the Competent Authority changes the operator's grading to a different category, it must issue a new grading certificate to the operator in the relevant category and record the change on the National Transport Information System.

19 Benefits of grading

(1) The Commission may develop a list of benefits that will be enjoyed by different grades of operators, which may include any benefit or incentive determined by the Commission or determined by the *[insert the relevant authority]* in terms of section ,, of the Vehicle Load Management Act, 20... or any other law.

CHAPTER VI: INFORMATION

PART I: INFORMATION SYSTEMS

20 Information systems

(1) Where an authority or person authorised thereto by the person or body of persons to which the information relates, requests information from the National Transport Information System in terms of section 14(3) of the Act, the *[insert country reference to the authority administering the National Transport Information System]* must supply the information within 14 days of receipt of the request.

(2) Where the Minister or Competent Authority requests information from an authority contemplated in section 14(3) of the Act, that authority must supply the information within 14 days of receipt of the request.

(3) A request contemplated in sub-regulation (1) or (2) must be in writing by hand-delivered letter or by electronic mail. *[Note: Model Law to be amended to provide for this]*

(4) Subject to sub-regulation (5), any interested person may request the Competent Authority to supply it with information in the National Transport Information System *[also TRIPS?]* by completing Form 12 in Schedule 1 and lodging it with such Authority with the fees specified in Schedule 2.

(5) The Competent Authority must supply information requested under sub-regulation (4) within 14 days of receiving the request, on condition that the person receiving the information will—

- (a) use the information only for the purpose specified in the request and that the information being requested is only adequate for and relevant to the purpose specified in the request;
- (b) keep the information gained secure and confidential;
- (c) use the information only in relation to the purposes of the Act or for research or for the monitoring of operators and drivers, and
- (d) destroy the information after its purpose is has been served unless the information is required for research or planning purposes.

CHAPTER VII: INSURANCE

PART I: INSURANCE

21 Operators to be insured

(1) All operators undertaking cross-border road transport must be insured with an insurer approved by the Commission.

(2) Such insurance must provide cover in all of the Member States regardless of the Member State in which the operator may be operating where and when the relevant claim arises.

(3) The Commission must publish a list of approved insurers and rules on the nature of insurance required in terms of sub-regulation (1) and insurable risks to be covered by such insurance.

22 Proof of insurance

(1) Operators may apply to the *[insert name of insurer or administrative entity managing the insurance scheme in the relevant country]* for an insurance disc by completing the form approved by the Minister and submitting it to such Authority with the fee prescribed in Schedule 1.

(2) The insuring entity must issue to the applicant a certificate from the insurer confirming that the requisite insurance cover has been obtained .

(3) An insurance disc must be obtained for each vehicle operated by the operator and must be displayed on the vehicle in the manner contemplated in regulation 10(2).

(4) Regulation 10(3) applies with the necessary changes to insurance discs.

(5) Operators must apply annually for renewal of their insurance and for the issuing of an insurance disc and submit a certificate of renewal of such insurance to the Competent Authority on renewal of their registration under regulation 4.

CHAPTER VIII: APPEALS

PART I: APPEALS

23 Lodging of appeals

(1) An appeal in terms of section 16 of the Act [*change to be country specific if the country has its own appeal legislation*] must be lodged in writing with the Administrative Appeals Committee within 30 days after the date on which written notice of the act, direction or decision which is appealed against was communicated to the appellant.

(2) An appeal under sub-regulation (1) must be lodged with the Committee by submitting an original and four copies of the completed notice of appeal as shown in Form 12 in Schedule 1 together with the information and documents specified in that Form and with the appeal fee prescribed in Schedule 2.

(3) The notice of appeal must be fully completed with clear answers to the questions posed in the Form.

(4) The Committee may reject an appeal where—

- (a) the notice of appeal is not fully and properly completed;
- (b) all required documents have not been submitted with the notice of appeal, or
- (c) the appeal fee has not been paid.

24 Appeal procedure

(1) The Committee must deliver a copy of the appeal with attached documents to the Competent Authority within 10 days of receiving the notice of appeal.

(2) The Competent Authority must within 21 days after receipt of the notice of appeal forward to the Committee—

- (a) copies of all documents relating to the act, direction or decision against which the appeal has been lodged;
- (b) copies of or references to documents that were considered by it in making such act, direction or decision;
- (c) a mechanical or manual transcript of the proceedings before it, where applicable, and

(d) its written reasons for such act, direction or decision.

(3) Should the Competent Authority fail to submit the documents and information under sub-regulation (2), the Committee must proceed with the appeal in appropriate cases while taking steps to compel the Competent Authority to supply the information and documents, so as not to prejudice the appellant.

25 Procedures at hearings

(1) An appellant and other parties involved may at a hearing of an appeal rely only on the grounds and issues stated in the notice of appeal and may give only such evidence as was given before the Competent Authority.

(2) The Committee may at any stage of the appeal proceedings, in its own discretion and on application by the appellant or any other party to the appeal, allow any document submitted by any party to be amended upon such terms as the Tribunal considers just.

(3) Despite sub-regulation (1), the Committee may allow, in special circumstances and on good cause shown, evidence not given before the Competent Authority to be admitted.

(4) The Committee may on application by any party to the appeal grant an order on any point which appears to be an issue in the appeal to be determined as a preliminary issue, and may, in appropriate circumstances, dismiss the appeal in terms of section 18(1)(a) of the Act based on its decision on such a preliminary issue.

(5) If in the opinion of the Committee, the determination of a preliminary issue will substantially dispose of the entire appeal, the Committee may treat the hearing of the preliminary issue as the hearing of the appeal and may grant such an order by way of disposing of the appeal as it deems fit.

(6) If the Committee dismisses an appeal in terms of section 12(1)(a) of the Act, or postpones an appeal or alters the place of any hearing, the Tribunal must notify all parties to the appeal of the revised arrangements in writing not later than 10 days after the decision of the Tribunal.

(7) Before the commencement of any hearing of an appeal, the members of the Committee must disclose any direct or indirect financial or personal interest that any of them may have in any matter before the Committee that may affect the impartiality of the member concerned.

(8) The chairperson of the Committee may in his or her discretion after

consideration of all disclosures contemplated in sub-regulation (7) make a ruling for the member to be recused from such hearing or make any other ruling that will ensure the impartiality of the Committee.

(9) Any clerical mistake or error in any document recording a decision of the Committee, or any error arising in such a document from an incidental error or omission may be corrected by the chairperson of the Committee or his or her authorized delegate.

26 Decisions of the Administrative Appeals Committee

(1) The Committee must keep a record of every appeal lodged with it and a summary of the proceedings and minutes of its hearings relating thereto.

(2) Within 10 days after the Committee has finalised its decision on the appeal, it must notify the appellant and Competent Authority in writing of its decision.

(3) A person whose rights have been affected by such decision may request the Committee in writing to supply written reasons for its decision within 30 days from the date on which he, she or it became aware of the decision or might reasonably be expected to become aware thereof, and the Committee must provide such reasons within 14 days of the date of receipt of the request.

CHAPTER IX: GENERAL PROVISIONS

PART I: GENERAL PROVISIONS

27 Transgressions and penalties

(1) A person who commits a transgression in terms of these regulations to is subject to the procedures, penalties and demerit points as prescribed in the Road Traffic and Transport Transgressions Act [*insert reference the model law as adopted in-country*].

28 Forms, fees and applications

(1) The Minister may amend the forms shown in Schedule 1 or the fees specified in Schedule 2 from time to time without the need to amend these regulations.

(2) The applications contemplated in and forms required by these regulations may be completed and submitted by hand to an office of the Competent Authority, or by electronic mail to the electronic mail address of that office.

(3) Where an application is submitted by electronic mail must include scanned versions of the documents required to accompany the application and proof of payment of relevant fees by electronic funds transfer.

29 Transitional provisions

(1) The Minister must by notice in the *Gazette* identify the date on which an operator or responsible competent person is liable to register as such and those dates may be linked to the date of registration of a new vehicle, the renewal of the licences of vehicles owned by that operator, or any other matter.

(2) The Minister must after consultation with the Commission, determine a date by which all operators wanting to undertake cross border road transport must be registered in terms of the Act and these Regulations.

(3) The date referred to in sub-regulation (2) must be determined by notice in the *Gazette* and must be determined taking into account the number and location of Member States who have implemented the Multilateral Cross Border Road Transport Agreement.

30 Repeal and amendment

The Regulations specified in Schedule 3 are repealed or amended to the extent indicated in that Schedule.

31 Short title and commencement

(1) These regulations are called the Cross-Border Road Transport Regulations, 2018 and come into operation on a date determined by the Minister by notice in the *Gazette*.

(2) The Minister may determine different dates of commencement for different regulations or for different classes of vehicles.

SCHEDULE 1: FORMS

(1) APPLICATION FORMS

FORM	DESCRIPTION
AOPR	Application for Registration as Transport Operator
AOD	Application for Operator Disc
FLE	Depot Fleet Maintenance
DRV	Depot Driver Maintenance
ARCP	Application for Registration as Responsible Competent Person
ORA	Agreement between Operator and Responsible Competent Person
ANOM	Nomination of Driver or Person in Control
ADGO	Application for Registration as Dangerous Goods Operator
AAL	Application for Abnormal Load Permit

(2) CERTIFICATES AND DOCUMENTS

FORM	DESCRIPTION
OPRR	Operator Registration Certificate
VEH	Operator Disc per Vehicle
DGC	Depot Grading Certificate
RCPR	Responsible Competent Person Registration Certificate
ORC	Responsible Competent Person & Depot Agreement Certificate
ONOM	Outcome of Nomination of Driver
DGR	Dangerous Goods Operator Registration Certificate
ALP	Abnormal Load Permit

SCHEDULE 2: FEES

No	DESCRIPTION	AMOUNT (USD) ¹
1	Application for registration as an operator	
2	Issue of operator registration certificate	
3	Application for registration as a responsible competent person (RCP)	
4	Issue of RCP registration certificate	
5	Application for operator disc	
6	Application for duplicate operator disc	
7	Application to register new vehicle or removal of vehicle	
8	Application to register new driver or removal of driver	
9	Application by operator for grading	
10	Operator grading certificate	
11	Request for information	

¹ Uniform Fees being determined in accordance with Revenue Model for Competent Authority

SCHEDULE 3

Column 1	Column 2	Column 3 amendment
No. and year of law	Title	Extent of repeal or amendment