

NATIONAL PUBLIC TRANSPORT

REGULATOR:

TOURISM OPERATING LICENCE

APPLICATIONS HANDBOOK

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1. PURPOSE

This handbook outlines the licencing process for doing business in the tourism industry, the regulatory framework and most importantly how an applicant should approach the application process.

2. LEGISLATIVE FRAMEWORK

The National Land Transport Act 2009, Act 05 of 2009 establishes the National Public Transport Regulator with regulatory powers to among others, consider applications for operating licences for tourist transport services and accreditation of tour operators.

Sections 20, 21 and 22 of the Act details how the NPTR is established, the functions and mandate. Prospective applicants should familiarise themselves with the Act before lodging an application with the NPTR.

3. THE OPERATING LICENCE PROCESS

The Act requires persons or entity providing tourist transport services to hold operating licences. An operating licence is an official document authorising a person or entity to operate a tourist transportation service within the boundaries of the Republic of South Africa. No person may operate a road based public transport unless he or she is the holder on an operating licence. (NLTA Sec 50)

Despite the above, the Act exempted persons providing courtesy services by means of fewer than three cars.

4. TYPES OF TOURIST TRANSPORT APPLICATIONS

NPTR considers applications for accreditation as tourist transport operators and all applications for tourist transport services, these are:

- **New application-** a person wishing to undertake an interprovincial or a tourist transport service must apply to the NPTR for necessary operating licence (NLTA Sec.54)
- **Renewal application-** an application to renew an existing operating licence that is about to expire, must be submitted at least 30 days before the expiry date
- **Replacement application-** an application where holder of an operating licence wishes to replace the specified vehicle with another vehicle with similar standards and qualities (NLTLA, Sec.73)
- **Additional Vehicle** application- an application to add an additional vehicle for the accredited operator, in addition to the existing vehicles on the said operating licence.

- **Transfer application**- an application to transfer an operating licence form one individual (or entity) to another. Applies to **only** accredited operators.
- **Duplicate operating licence** - an application to obtain another copy of an accreditation certificate or operating licence, (in the case of loss, theft or misplacement)
- **Conversion application**- an application to convert a permit into an operating licence
- **Accreditation** – to accredit tourist operator to the NPTR satisfaction that they are fit and proper persons or entities to transport tourist in a manner that is safe and will promote South Africa as tourist destination.

5. THE OPERATING LICENCE APPLICATION PROCESS

The process begins when an applicant submits an application form to the NPTR help desk via email, post, and walk in process or fax. The help desk officials will then check the application form for completeness and prepare for processing adjudication by the NPTR committee.

This section explains how to lodge an application, how the application will be assessed and the decision communicated.

5.1 There are several steps which an application has to go through before a licence is granted or refused. Prospective applicants are encouraged to scan the environment, to check market conditions and also ensure that they will meet an operating licence conditions and legislative requirements if granted an operating licence.

5.1.1 A prospective applicant that requires a **new operating licence, renewal, replacement, and duplicate** licence must lodge an application in writing by completing **Form 1A**. The form can be obtained from the NPTR offices or downloaded from the Department of Transport website, www.transport.gov.za.

5.1.2 The completed form must be accompanied by either of the following **certified documents**:

- Proof of payment/Bank receipt
- ID copy / Company Registration certificate
- Tax clearance certificate and SARS pin
- Company proxy letter and Certified ID copy of the proxy
- Statement of oath
- Statement in terms of section 62(1) of NLTA
- Copies of operating licenses (for renewal, duplicates, additional vehicles and replacements)
- Route description/ Routes annexure
- *Vehicle license disc and Road worthy certificate
- *Certificate of registration in respect of motor vehicle.

- Service records of vehicles or maintenance plan of existing vehicles.
 - Recommendation letters
 - Public Passenger Liability Insurance
 - The non – refundable fee for processing of the application as per the schedule 49 of the National Land Transport Regulation
- 5.2 Before submitting the application, the applicant must ensure that all the relevant sections in the application form are completed and the form is signed.
- 5.3 If an applicant submits an incomplete application it will not be accepted and the applicant will be required to resubmit the complete application form.
- 5.4 Once the complete application form is submitted, there is no need to resubmit the same application when making enquiries about the status of the application as this might cause duplication of applications

***If the vehicles are to be purchased the applicant can submit these documents post approval of application. Vehicles to be used for new operating licences should be vehicles that were first registered from 2009 onwards.**

6. THE ACCREDITATION OF TOURIST TRANSPORT OPERATORS

During 2009 the Minister of Transport passed regulations in terms of Part 3 of the National Land Transport Act (NLTA) 2 (hereinafter referred as “the Act”) for the accreditation of tourist transport operators.

The NLTA sets a framework for transforming and restructuring the land transport system and prescribe national principles, requirements and norms and standards aimed at ensuring that passenger transport services are safe, and that transport operators are accountable for the safety and security of their service.

This is achieved among others through the introduction of the Accreditation of Tourist Transport Services.

Accreditation - is the act of granting credit or recognition, to tourist operators that maintains prescribed standards that are required to provide safe and reliable tourist transport services.

Operator means a person or entity who/which holds an operating license authorizing such person or entity to operate a public transport service.

6.1 THE ACCREDITATION APPLICATION PROCESS

An operator wishing to be accredited as a tourist transport operator must lodge an application in writing by completing **Form 2A**. The form can be obtained from the NPTR offices or downloaded from the Department of Transport website, www.transport.gov.za.

This section explains how to lodge an application for accreditation, how the application will be assessed and the decision communicated.

6.1.1 The completed form 2A must be accompanied by the following **certified documents**:

- Proof of payment/Bank receipt
- ID copy / Company Registration certificate
- Tax clearance certificate and SARS pin
- Company proxy letter and Certified ID copy of the proxy
- Statement of oath
- Statement in terms of section 62(1) of NLTA
- Copies of operating licenses (for renewals, duplicates, additional vehicles and replacements)
- Route description/ Routes annexure
- Vehicle license disc and Road worthy certificate
- Certificate of registration in respect of motor vehicle
- Service records of vehicles or maintenance plan of the existing vehicles.
- Public Passenger Liability Insurance.
- Recommendation letters

6.1.2 It is also important to ensure that all relevant sections of the form are duly completed and required supporting documents are attached. Use the checklist below to indicate all the documents submitted.

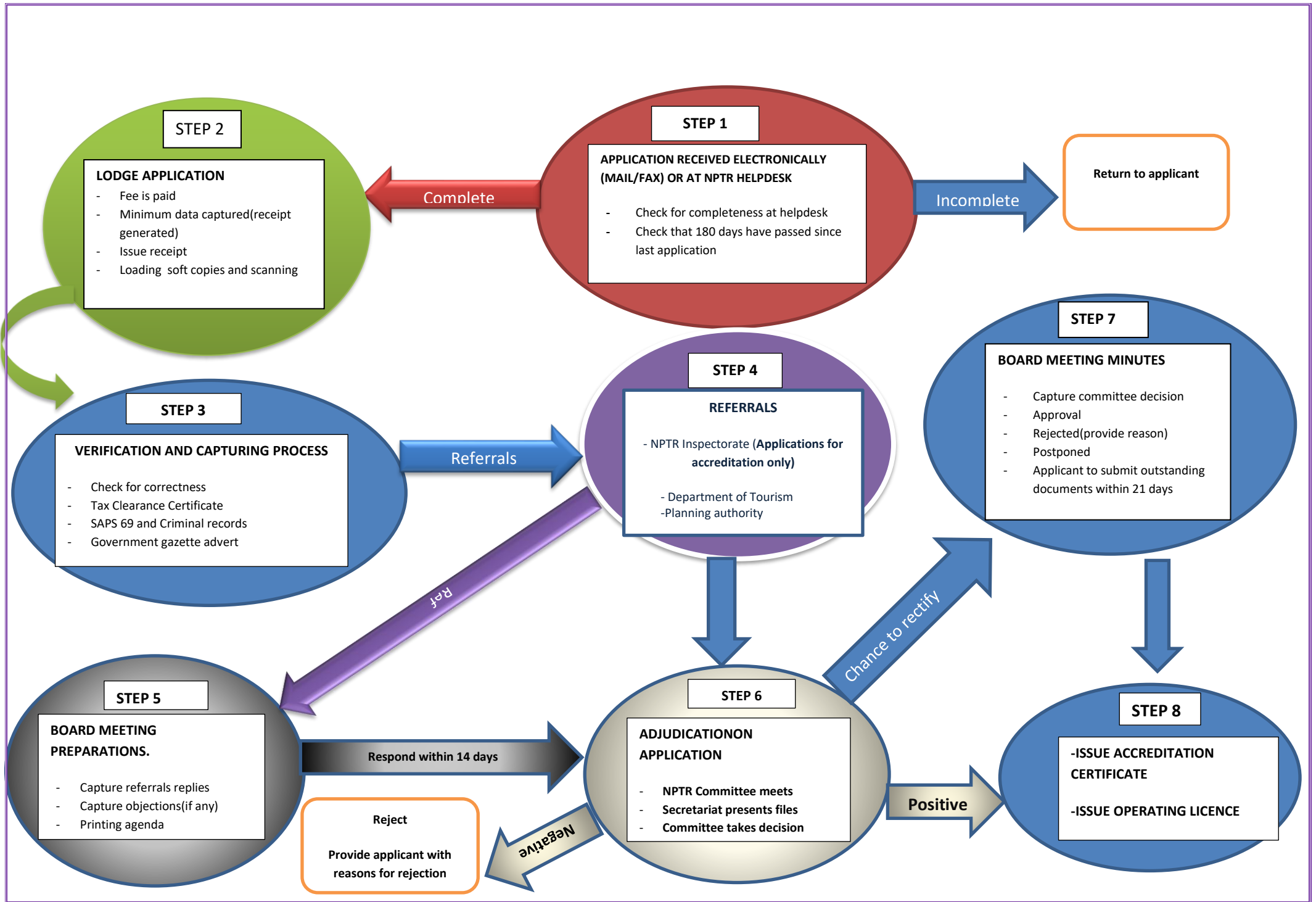
TABLE 1: OPERATOR CHECKLIST FOR LODGING AN APPLICATION WITH THE NPTR

<p>INSTRUCTIONS</p> <ol style="list-style-type: none"> 1. Complete ALL relevant sections in the application form 2. Submit all requested documentation along with the application 3. Sign and submit this page as the front page to your application 	<p>Applicant name: _____</p> <p>Applicant email: _____</p> <p>Applicant cell: _____</p>				
<p>CHECKLIST</p> <p>All documents must be submitted along with application</p>	<p>APPLICANT</p> <p>Please ensure all boxes are ticked prior to submission</p>				
	New	Renewal	Replacement	Accreditation	Additional vehicle
Application form	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Proof of payment / bank receipt	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
ID copy / Company registration	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Tax clearance certificate and SARS PIN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Company proxy letter and certified ID (if applying in the name of the company)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Statement of Oath (written in the name applicant)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Vehicle licence disc and Road worthy certificate	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Certificate of registration in respect of Vehicle	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Service record(s) of vehicle(s) or maintenance plan	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Statement in terms of section 62(1) of	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Copies of operating licences and		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
180 days operational affidavit		<input checked="" type="checkbox"/>			
Accreditation certificate*					<input checked="" type="checkbox"/>
Recommendation letters*	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
<p>3 letters if operating within one province only</p> <p>5 letters if operating in more than one province</p>					

7. PROCESSING OF APPLICATIONS:

7.1 BUSINESS FLOW FOR NEW TOURIST APPLICATION LICENCE

STEP 1: HELPDESK	
1. APPLICATION RECEIVED ELECTRONICALLY (MAIL/FAX) OR AT NPTR HELPDESK <ul style="list-style-type: none"> - Check for completeness at helpdesk - Check that 180 days have passed since last application 	
STEP 2: NPTR FINANCE (CASHIER)	
2. LODGE APPLICATION <ul style="list-style-type: none"> - Fee is paid - Minimum data captured(receipt generated) - Issue receipt - Scanning of documents to the system 	
STEP 3: VERIFICATION AND CAPTURING PROCESS	
<ul style="list-style-type: none"> - Check for correctness - Tax Clearance Certificate - SAPS 69 and Criminal records - Government gazette advert 	
STEP 4: REFERRALS	
<ul style="list-style-type: none"> - NPTR Inspectorate - Department of Tourism (Tourism Authority) - Planning authority 	
STEP 5: BOARD MEETING PREPARATIONS.	
<ul style="list-style-type: none"> - Capture referrals replies - Capture objections(if any) - Printing agenda 	
STEP 6: ADJUDICATION OF APPLICATION	
<ul style="list-style-type: none"> - NPTR Committee meets - Secretariat presents files - Committee takes decision 	
STEP 7: BOARD MEETING MINUTES	
<ul style="list-style-type: none"> - Capture committee decision - Approval - Rejected(provide reason) - Postponed - Applicant to submit outstanding documents within 21 days 	
STEP 8: UPLIFTMENT	
<ul style="list-style-type: none"> - ISSUE ACCREDITATION CERTIFICATE AND OR - ISSUE OPERATING LICENCE 	



8. REPLACEMENT, RENEWAL, AND CANCELLATION OF AN OPERATING LICENCE OR ACCREDITATION

After an operating licence is issued by the NPTR or a competent authority

8.1 Replacement of a vehicle – A licence may be amended on application by the licensee/operator. Each application for replacement shall be accompanied by the prescribed fee and shall be in line with procedures to grant an operating licence. It should be noted that an application for replacement does not go to the NPTR committee for adjudication but approved by a senior official of the NPTR support staff.

The authorised official will approve the replacement as amended.

8.2 Renewal of a licence – an application for renewal of an operating licence must be made 30 days before expiry of the licence. Where an application for renewal was lodged timeously and the NPTR has not issued the licence by expiry date, the operating licence remains valid until the entity either issues the renewal licence or notifies the applicant that the application has been refused. The applicant must keep in the vehicle the receipt issued by NPTR together with the operating licence as proof that such application has been made. Like the other applications, the prescribed fee shall accompany the application.

8.3 Cancellation of an operating licences – when an application has not been used for 180 days or more from the date of issue, the NPTR will request reasons why the operator failed to operate the service to which the licence relates and why the licence should not be cancelled. If the NPTR is not satisfied or where the holder has failed to furnish the reason, the NPTR will cancel the operating licence within seven days.

8.4 Cancellation of accreditation - the NPTR may cancel the accreditation of an operator if the operator in the opinion of the NPTR is no longer fit and proper person to or entity to provide tourist transport services; has provided false or misleading information to the NPTR in the application; based on three or more inspections or incidents , or on one or more accidents or collisions that have occurred has failed to maintain vehicles operated by that operator in a satisfactory condition. Furthermore, accreditation may be cancelled if for three or more incidents the operator has failed to use or employ suitably qualified drivers or used drivers who do not hold the professional driving permit (PDP) and is the subject of negative complaints from planning authorities, passengers or other interested persons.

9. PRESCRIBED FEES FOR LODGING AN APPLICATION

9.1 Accreditation

The prescribed fee for accreditation is two thousand rand (R2000)

9.2 New, Renewal, Replacement, Amendment & Duplicate

The prescribed fee for new, replacement, amendment, additional vehicle and duplicate operating licence is six hundred rand (R600)

9.3 **Payment for the various types of applications can be paid into the Department of Transport account via Electronic Fund Transfer (EFT) using the details below:**

Bank: ABSA

Account Number: 405 362 0095

Branch code: 632 005

Reference number: "NPTR" ID Number or Company registration

10. SUBMISSION OF APPLICATIONS

Applicants can lodge applications by submitting applications using one of the methods indicated below:

10.1 EMAIL

10.1.1 NPTR@dot.gov.za for all applications for new operating licence, accreditation, additional authority, amendment of route and renewal of operating licence.

10.1.2 NPTROTC@dot.gov.za for all applications for replacements, duplicates and additional vehicles

10.2 COURIER or WALK IN

NPTR HELPDESK

Department of Transport
159 Forum Building
Struben Street
Pretoria, 0001

10.3 FAX

FAX NO: 012 309 3602

11. FURTHER INFORMATION

- 11.1 Enquiries regarding the status of application can be forwarded to NPTRENQUIRIES@dot.gov.za or 012 309 3237/309 3227/309 3174/309 3065/309 3063/309 3024/309 3752/309 3153/309 3087/309 3079/309 3127
- 11.2 Complaints can be addressed to the Head of Secretariat mtshwenn@dot.gov.za