

REPUBLIC OF SOUTH AFRICA

THE SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED AND NATIONAL ROADS

AMENDMENT BILL

-----  
*(As introduced in the National Assembly (proposed section 76 Bill), prior notice of its  
introduction published in Government Gazette No.     of     )  
(The English text is the official text of the Bill)*  
-----

(M DE FREITAS, MP)

[PMB - 2015]

ISBN

Copies printed:

---

**GENERAL EXPLANATORY NOTE:**

[            ] Words in bold type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

---

**BILL**

**To amend The South African National Roads Agency Limited and National Roads Act, 1998, so as to impose a duty on the South African National Roads Agency to identify an alternative route to every road declared a toll road; to compel the South African National Roads Agency to consult with the Premier of a province and with the Municipal Council, before declaring a national road a toll road; and to provide for matters connected therewith.**

**BE IT ENACTED** by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 27 of Act 7 of 1998, as amended by section 3 of Act 3 of 2013**

1. Section 27 of The South African National Roads Agency Limited and National Roads Act, 1998, is hereby amended by—

(a) the substitution in subsection (4) for paragraph (b) of the following paragraph:

“(b) the Agency in writing—

(i) has requested the Premier in whose province the road proposed as a toll road is situated, to comment on the proposed declaration and any other matter with regard to the toll road (and

particularly, as to the position of the toll plaza) within a specified period (which may not be shorter than 60 days); **[and]**

(ii) has given every municipality in whose area of jurisdiction that road is situated the same opportunity to so comment;

(iii) has submitted the proposal to the provincial legislature in whose province the road proposed as a toll road is situated and received a majority vote in favour of the proposed declaration from the members of that provincial legislature; and;

(iv) has identified an alternative route of comparable distance which must –

(aa) be a tar road;

(bb) be maintained adequately; and

(cc) be suitable for increased usage.”;

(b) the substitution in subsection (4) for paragraph (bA) of the following paragraph:

“(bA) the Agency, in co-operation with the municipality contemplated in subsection (4)(b)(ii) and the province in which the proposed toll road is situated, has performed a socio-economic; environmental and traffic impact assessment pertaining to the proposed toll road which must be submitted to the Minister and made available to the province and every municipality contemplated in subsection (4)(b);”;

(c) the insertion in subsection (4) of the following paragraph after paragraph (bB):

“(bC) the Agency has, after receiving the comments contemplated in paragraphs (a) and (b), consulted with the Premier of the province in which the proposed toll road is situated and the Municipal Council of a municipality in whose area of jurisdiction that road is situated.”;

(d) the substitution in subsection (4) for paragraph (c) of the following paragraph:

“(c) the Agency, in applying for the Minister’s approval for the declaration, has forwarded its proposals in that regard to the Minister together with a report on the comments, **[and]** representations that have been received (if any), the assessments

conducted in terms of paragraph (bA), and the consultations conducted in terms of paragraph (bC). In that report the Agency must indicate—

- (i) the outcome of the assessment contemplated in paragraph (bA);
- (ii) the extent to which any of the matters raised in those comments, **[and]** representations, assessments and consultations have been accommodated; and
- (iii) the steps proposed to mitigate against the impact or likely impact on alternative roads with regard to maintenance and traffic management that may result from the declaration contemplated in subsection (1); and”;

#### **Short title and commencement**

**2.** This Act is called The South African National Roads Agency Limited and National Roads Amendment Act, 2015, and comes into operation on a date determined by the President by proclamation in the *Gazette*.