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**Date:** 19 December 2020

**Our Ref:** D Maharaj

**Your Ref:**

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The Minister of Transport  
The Honourable Mr Fikile Mbalula  
159 Struben Street  
Forum Building  
Pretoria

Per Email: [transportministry@dot.gov.za](mailto:transportministry@dot.gov.za)  
[phenyam@dot.gov.za](mailto:phenyam@dot.gov.za)

Dear Sir

Re: **REQUEST FOR CLARITY ON AMENDMENT OF DIRECTIONS RELATING TO EXTENSION OF ALL OPERATING LICENCES FOR CHARTER TRANSPORT SERVICES -NOTICE 1344 DATED 14/12/2020**

1. As you are aware, we act on behalf of the Private Charter Passenger Association and its members, all of whom are private charter passenger transport service providers based countrywide.
2. We have been instructed to seek clarity from you and officials in your Department with regard to the notification published in the Government Gazette on the 14 December 2020 relating to the amendment of directions issued in terms of Regulation 4(7) of the Regulations made under Section 27(2) of the Disaster Management Act 57 of 2002: Measures to Prevent and Combat the spread of Covid-19 in Public Transport Services.

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Directors

Dev Maharaj, Teboho Putsoane and Shikar Maharaj

Senior Associate

Mayuri Mangla

Consultants

Tarisai Gonyora and Alistair Collins

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(DMA Inc: Registration No: 2015/002357/21)

3. We are attaching hereto the relevant publication in the Gazette for your easy reference.
  4. You will note that direction 8 (1) (b) was amended to read as follows:  
  
***(b) All the operating licenses and accreditation certificates for tourist and charter transport services that expire during the period that commenced from 26 March 2020 up to and including 28 February 2021 are deemed to be valid and their validity period is extended for a further grace period ending on 31 August 2021.***
  5. We also note that a similar set of directions was published in the Gazette on the 3 December 2020 relating to the amendment of Direction 6 wherein all learners and driver's licences that expired during the period that commenced from 26 March 2020 up to 31 December 2020 had their period of validity extended up until 31 August 2021.
  6. Our client seeks clarity insofar as the ambit of the extension referred to in paragraph 4 above with specific reference to the extension of the validity of all operating licences and accreditation certificates for tourist and charter transport services.
  7. In particular, we require certainty as to whether the reference to "***all operating licences and accreditation certificates***" includes vehicle registration certificates (commonly referred to as the licence discs) referred to in Section 4 as well as certificates of roadworthiness as envisaged in Section 42 of the National Road traffic 1996.
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8. We are instructed that notwithstanding the previous extensions of the validity period for the operating licences, certain municipalities, especially those in KwaZulu-Natal, have been raising penalties and interest on expired licences which we believe is contrary to the Directions issued by your Department. Kindly advise whether the intention was that motor vehicle licensing authorities were not supposed to have levied interest and penalties in respect of those motor vehicle licences that expired and fell within the period covered by the extensions as referred to in paragraph 5 above.
  9. It would be greatly appreciated if you would kindly clarify the above as a matter of urgency as we are of the view that the validity period for all expired motor vehicle licences is extended and it could never have been contemplated that the charter industry could be treated any differently to other motorists especially since the tourism and charter industry has been at a standstill for many months and has barely taken off.
  10. In our respectful view the amendment to the regulation as referred to in paragraph 7 refers to all operating licences and certificates and must include licence disks but clarity in this regard will bring more certainty to the issue. Should we be in agreement insofar as the all-encompassing nature of the amendment is concerned, we will appreciate you circulating
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the various provinces and municipalities to ensure that there is uniformity in the application of your Directives.

11. However, in the unlikely event that the intention was to exclude the validity of licences (disks) in respect of vehicles owned by the tourism and charter industry, then you will appreciate that such an exclusion is highly discriminatory, irrational and arbitrary and will unfortunately be legally challenged. We trust that such a challenge is not necessary.
10. We thank you for your cooperation and assistance herein and await your urgent advices with regard to the above request.

Yours faithfully.

*Dev Maharaj*  
(devm@dmalaw.co.za)

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