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To: Provincial Affiliations | Commodity Organisations | Corporate Members | AgriSA Board Members

National Land Transport Amendment Bill

On 6 June 2024, President Cyril Ramaphosa signed the National Land Transport Amendment Bill into law, and it amends the National Land Transport Act 5 of 2009 (“the principal Act”). The bill became Act 23 of 2023 (“the Amendment Act”) as published on 11 June 2024 in the *Government Gazette*. Refer to GG 50800.

The amendments impact the transportation of farm employees, and we hereby notify you of these amendments.

- Section 53(c) of the principal Act was amended and now includes a staff service provided by means of a vehicle owned by the employer contemplated in section 68(3) and adding farmers carrying their own workers from one place where they perform work in the course of their farming activities to another place where they will perform such work in vehicles of which they are the sole owners;”;
- Section 68 of the principal Act was amended by the addition of the following subsection stating that where a staff service is provided by means of a vehicle owned by the employer and the employees are not charged any fare, consideration or reward for the conveyance, an operating licence is not required for the conveyance.”

Agri SA received queries from its affiliates whose staff transport vehicles were impounded even before the signing into law of the bill. On more than one occasion, it was because section 53(c) explicitly states that the exemption is only applicable to farmers transporting their employees from one place of work to another, and section 68(3) is not considered. It is especially challenging in the agricultural sector because farmers are specifically mentioned. Now that the bill has been signed into law, there is concern that the same interpretation will cause further confusion and frustration.

We are of the opinion that farmers transporting their employees and who do **not charge any fare, consideration or reward for the conveyance, an operating licence is not required for the conveyance.**

Members must note the application of section 68(3) if they face similar instances in other areas.

See attached the bill, as well as the two amended sections, for ease of reference.

Amendment of section 53 & 68 of Act 5 of 2009.

Section 53(c) was amended as follow:

31. Section 53 of the principal Act is hereby amended—
 - (a) by the insertion in subsection (1) after paragraph (b) of the following paragraph: “(bA) a staff service provided by means of a vehicle owned by the employer contemplated in section 68(3);”;
 - (b) by the substitution in subsection (1) for paragraph (c) of the following paragraph: “(c) farmers carrying their own workers from one place where they perform work in the course of their farming activities to another place where they will perform such work in vehicles of which they are the sole owners;”;

Section 68 was amended as follow:

42. Section 68 of the principal Act is hereby amended by the addition of the following subsections:

“(3) Where a staff service is provided by means of a vehicle owned by the employer and the employees are not charged any fare, consideration or reward for the conveyance, an operating licence is not required for the conveyance.”

